



Improving the Rights of Care Workers in England & Wales

By Tomi Oyepeju, Reece St John-Commey and Sherazam Asif Dogar

Executive Summary.

Care workers in England & Wales, both those in public and private sectors, often face a range of pressing issues regarding their employment that we set out to discuss and analyse in this policy brief.

The issues we focus on will be those of low pay, followed by job insecurity, and finally, poor working conditions that all exist despite legislative frameworks like the National Minimum Wage Act, Employment Rights Act, and Working Time Regulations existing, which are all referenced in this policy brief.

Our objectives are to advocate for a policy shift in which fair compensation, stronger job security, and better working conditions are fostered for care workers in England & Wales. To do so, we analyse the issues with the aid of articles, graphics, and statistics from a host of sources.

To address this, we have proposed a range of targeted recommendations at the end of the brief, which include specific steps and actions to be taken when combating the aforementioned issues.



Issues

1.Low Pay

The National Living Wage was introduced in 2016, but despite legislative efforts to increase wages through the **National Minimum Wage Act of 1998** and other measures, care workers' pay in the UK is still disproportionately low given the demanding nature of their jobs [1] [2].

While the intention of these wage standards is to ensure a basic standard of living for all workers, the reality for many care workers falls short of reflecting the level of skill, dedication, and emotional labour required in their profession.

Furthermore, the issue of low pay is exacerbated by the prevalence of **zero-hour contracts** in the care industry, which leaves workers insecure about their income and unable to establish stable financial footing [3].

Percentage of Social Care Workers Earning Less Than Living Wage

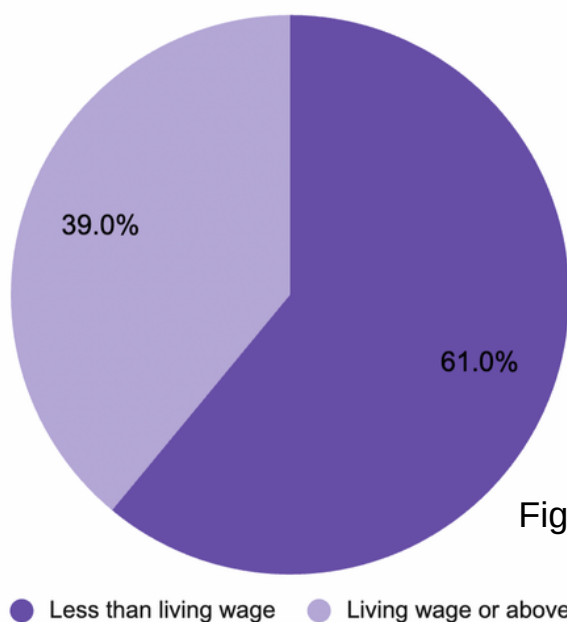


Fig. 1 [4]

The **TUC** report reveals a stark reality that the majority of social care workers struggle to earn wages that meet the basic threshold for a decent standard of living, further emphasising the urgent need for policy interventions to address this systemic inequality.

[1]The National Minimum Wage Act 1998

[2]The National Minimum Wage (Amendment) Regulations 2016

[3]Alexandra Topping, 'Exploitation and low pay causing poverty among care workers, TUC finds' (The Guardian, 29 August 2023) <<https://www.theguardian.com/society/2023/aug/29/exploitation-and-low-pay-causing-poverty-among-care-workers-tuc-finds>> accessed 8 March 2024

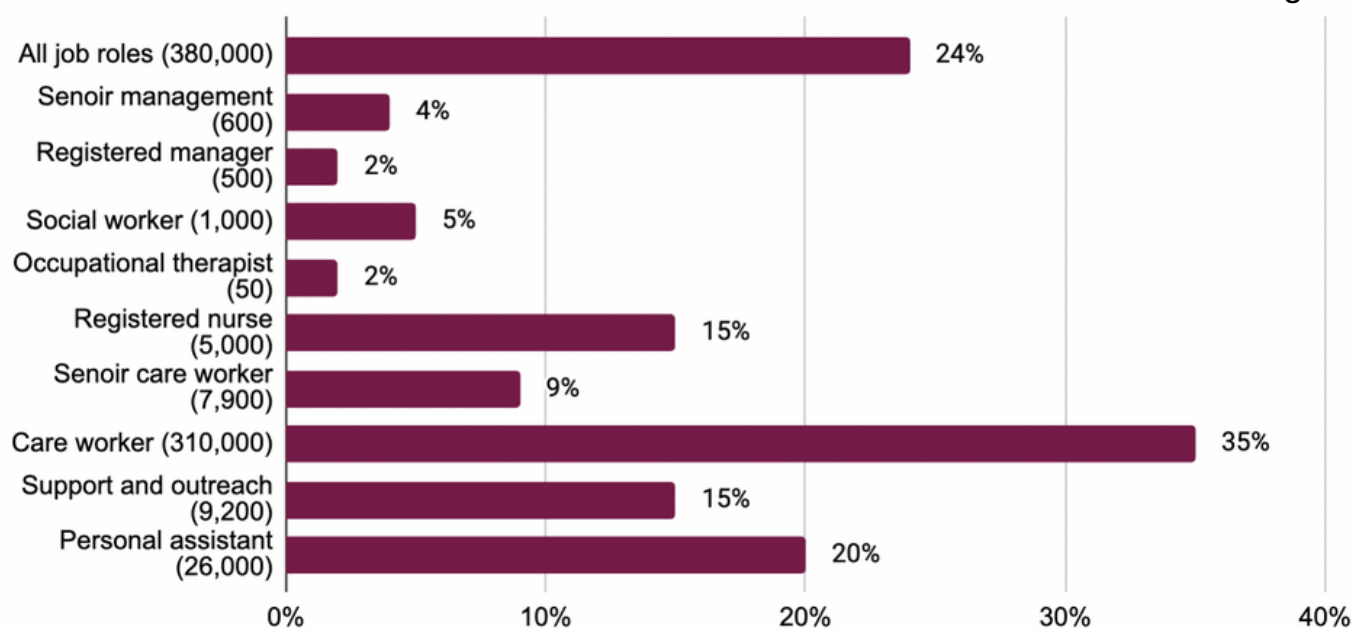
[4]Abigail Hunt & Nikki Pound, 'A strategy for the care workforce' (TUC, 28th Aug 2023) <<https://www.tuc.org.uk/research-analysis/reports/strategy-care-workforce>> accessed 5 March 2024

2. Job Insecurity

Job insecurity poses a significant challenge for social workers in England and Wales, affecting their financial stability, access to benefits such as sick leave, and overall well-being. Despite the crucial nature of their work, social workers often face precarious employment conditions, particularly concerning zero-hour contracts.

Approximately **1.52 million** individuals were employed in the adult social care sector in England during the 2022/23 period, outnumbering NHS workers [5]. Shockingly, around a quarter of this workforce, including **54%** of home care workers, were on **zero-hours contracts** [6]. In comparison, in 2023, only **3.6** percent of all workers in the United Kingdom were on **zero-hours contracts**, highlighting the disproportionate impact on care workers [7]. The dominance of **zero hour contracts** shows the need for reform in this aspect to better protect the rights of social workers.

Estimated number and proportion of workers in the adult social care sector on a zero-hours contract, by selected job roles, 2020/21 Fig. 2 [8]



[5]Skills for Care, *The state of the adult social care sector and workforce in England* <https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/publications/national-information/The-state-of-the-adult-social-care-sector-and-workforce-in-England.aspx> (Accessed 8 March 2024)

[6]House of Commons Library, <https://commonslibrary.parliament.uk/research-briefings/cbp-9615/#:~:text=Around%201.52%20million%20people%20worked,54%25%20of%20home%20care%20workers> (Accessed 8 March 2024)

[7]Statista, <https://www.statista.com/statistics/414981/employees-with-zero-hours-contracts-share/#:~:text=Percentage%20of%20employees%20on%20zero%2Dhours%20contracts%20UK%202000%2D2023&text=In%202023%2C%203.6%20percent%20of,percent%20in%20the%20mid%2D2000s> (Accessed 8 March 2024)

[8]Ibid.

3. Poor Working Conditions

We will focus particularly on the issue and abuse of working time for care workers, which the **ERA 1996** [9] does little to mitigate, and whilst the **WTR 1998** [10] does set a maximum weekly working time, it doesn't address the prime issue here, which is that of protecting care workers who end up working beyond this prescribed time under coercive conditions in overtime due to **zero-hour contracts**, as shown on figure [11].

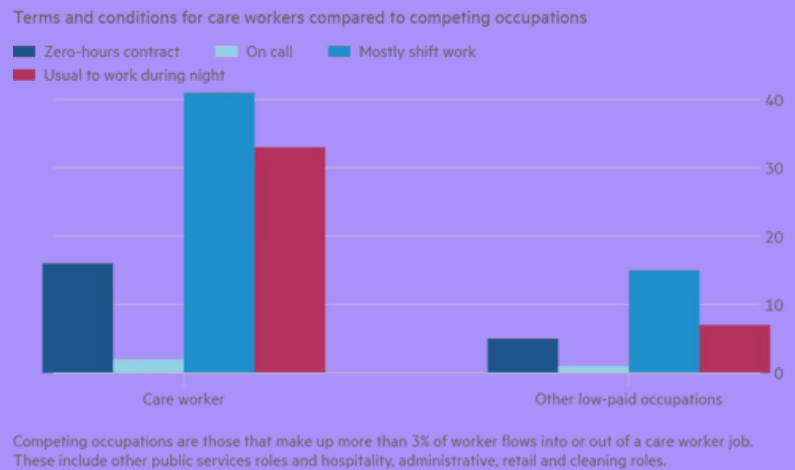


Figure [11]

The dual challenge of **zero-hour contracts**, as aforementioned, paired with excessive working hours in the care sector due to a lack of labour supply and high demand for care services causes significant problems for care workers. The existing zero-hour employment agreements provide minimal to no guarantee of regular or structured work hours, leading to care workers' **financial instability, unpredictability, and job insecurity**.

Moreover, this issue is only exacerbated when we consider that many care workers regularly face overtime hours [12] with little notice, causing further instability in their lives.

Government Initiatives: Following the Taylor Review, the Government introduced the **Good Work Plan** in December 2018 to address one-sided flexibility and clarify employment relationships [13].

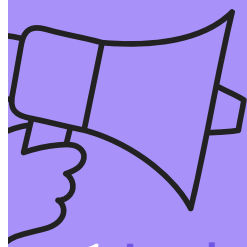
[9]Employment Rights Act 1996.

[10]Working Time Regulations 1998, SI 1998/1833.

[11]Sarah O'connor, 'Exploitation of migrants is rising as care homes struggle to fill jobs' (Financial Times, 26 July 2022) <<https://www.ft.com/content/2165c833-2886-4aa0-94a0-b6b7d80fbd25>> accessed 12 March 2024.

[12]C Dall'Ora, O-Z Ejebu, J Ball, and P Griffiths, 'Shift work characteristics and burnout among nurses: cross-sectional survey' [2023] 73(4) Occupational Medicine

[13]UK Government, Good Work Plan (Accessed 8 March 2024), <https://www.gov.uk/government/publications/good-work-plan/good-work-plan>



Recommendations

1. **Implement a mandatory minimum wage** increase specifically for care workers, ensuring that their compensation reflects the demanding nature of their profession and the essential services they provide to society.
2. **Establish funding mechanisms** to support care organisations in meeting higher wage standards, possibly through government subsidies or tax incentives, to alleviate financial strain on employers while enabling fair pay for workers. This could also be done indirectly through subsidised cafés and food to improve working conditions and lower costs of living.
3. **Limit Zero-Hour Contracts:** Advocate for the timely implementation of pending reforms outlined in the Good Work Plan to enhance job security for social workers, ensuring that such contracts are only ever used minimally and in certain situations. If used, this should be in conjunction with point 4.
4. **Regulate and Enhance Pay for Overtime:** Implement legal regulation to limit overtime hours. This would include setting quantifiable limits on the number of hours worked and ensuring that any overtime is both voluntary and well-compensated for. This could be achieved by establishing a dedicated regulatory body for this sector.
5. **Encourage Requests for Fixed Hours:** Extend the system utilised in Wales to England, and introduce a statutory right for care workers on zero-hour contracts to request a transition to fixed-hour contracts.



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