

POLICY BRIEF DECEMBER 2025

Improving Prison Work in England and Wales: Pay, Rights, and Reintegration



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Executive Summary

Prison workers are excluded from the definition of worker within the Employment Rights Act 1996, meaning they don't benefit from standard labour protections. These include, fair pay, safe working conditions, and safeguards against exploitation. This gap persists even though prison workers frequently carry out work identical to that of formal employees, often for the benefit of private companies that profit from their low-cost labour.

This policy brief calls for legal reform to establish formal employment contracts for prison workers, ensuring access to standard labour protections. Introducing a minimum wage, regulating private-sector involvement, and placing reintegration at the core of prison work would not only uphold basic labour standards but also support skills development, helping them to reintegrate into society. These reforms are essential to creating a fairer prison work system that provides valuable skills, reduces recidivism, and strengthens prospects for reintegration.



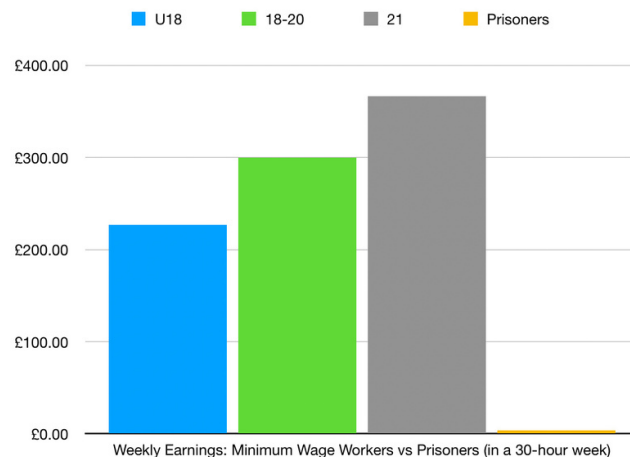
Elements of prison labour in the UK

Minimum Wage

'I've worked so many manhours and I've earned nothing really for it. If that same man would do work outside, you'd be... probably rich.' [1]

Prisoners in the UK remain excluded from the National Minimum Wage (NMW) under s.45 of the National Minimum Wage Act 1998, leaving pay solely controlled by PSO 4460, which sets a minimum of £4 per week. This rate has remained unchanged for over two decades despite rising living costs, including phone use and canteen prices.

By contrast, as of April 2025, minimum wage rates for the general population stand at £7.55 (under 18), £10.00 (ages 18–20), £12.21 (21+) per hour, with further increases expected in April 2026 [2]. Prison pay therefore equates to less than half an hour of the NMW labour per week.



Prisoners must work under r.31 Prison Rules 1999, yet their labour is entirely outside the protections of employment law. Mantouvalou describes this exclusion as a ‘state-mediated structure of exploitation,’ [3] where the state sets pay rates but removes rights that would otherwise restrict exploitation in any other workplace.

RECOMMENDATIONS

1. Increase prison pay annually in line with inflation and national wage increases.
2. Shift from weekly pay to hourly rates to ensure remuneration reflects actual labour.
3. Introduce a protected savings scheme to support release and reintegration.

[1] Matthew Maycock and Daniel McGregor, ‘“I do enjoy the work, but I think the wages in the jails are shocking”: Analysing prisoner wages as a pain of imprisonment using Foucault’s artifice’ (Sage Journals, 3 May 2023) <<https://journals.sagepub.com/doi/full/10.1177/26326663231170767>> accessed 2 December 2025.

[2] HM Government, ‘National Minimum Wage and National Living Wage rates’ (GOV.UK, 2025) <<https://www.gov.uk/national-minimum-wage-rates>> accessed 30 November 2025.

[3] Virginia Mantouvalou, *Structural Injustice and Workers’ Rights* (Oxford University Press 2023).



Prisoners and Private Companies

Prison Rules 1999 requires prisoners to work as refusal can trigger disciplinary sanctions [4]. Although prisoners undertake a range of work, including commercial production for markets, they're not classed as "workers" under the Employment Rights Act 1996, leaving them without rights to unfair-dismissal protection, holiday pay, or workplace safety entitlements beyond general prison-regime provisions [5].

- The Ministry of Justice reports that over 11,000 prisoners participate in "prison industries," including work for private partners [6].
- Evidence shows private companies benefit from these gaps: an investigation found prisoners producing goods for outside retailers with no ability to refuse participation without disciplinary consequences [7].
- The Howard League documents millions generated through such commercial contracts, highlighting the dependence on low-paid compulsory labour [8].
- International norms intensifies this: ILO Convention No 29 prohibits hiring-out prisoners to private companies unless work is genuinely voluntary and approximates free-labour conditions; a criteria unmet in the UK under current rules [9].

RECOMMENDATIONS

1. Introduce a system where prisoners choose employers, forcing companies to compete for labour by offering better pay and benefits.
2. Require commercial partners to guarantee post-release employment, eliminating the 'use then discard' model.
3. Replace disciplinary sanctions for refusing work with support groups.

[4] Prison Rules 1999, r.31.

[5] Prisoners' Advice Service, Work & Pay in prison (PAS Information Sheet, 2021) <<https://www.prisonersadvice.org.uk/wp-content/uploads/2021/05/WORK-IN-PRISON-1.pdf>> accessed 6 November 2025.

[6] Ministry of Justice, Education and Employment Strategy (Cm 9621, 2018) 9-11.

[7] Richard Cookson and Phil Chamberlain, 'Inside the sell blocks' (The Guardian, 9 September 2009) <<https://www.theguardian.com/society/2009/sep/09/prisoners-cheap-labour-major-companies>> accessed 9 November 2025.

[8] The Howard League for Penal Reform, Business behind bars: Making real work in prison work (Howard League, 2011).

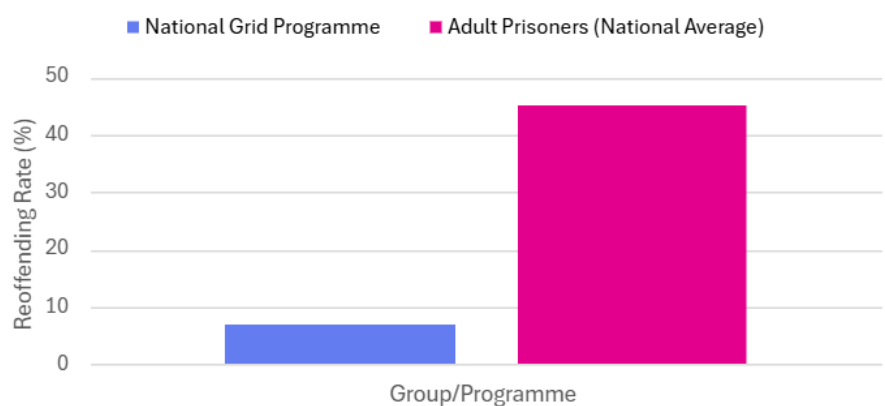
[9] International Labour Organisation, Forced Labour Convention [1930] No.29, Art 2.



Reintegration Into Society

- Current evidence reveals that prison work in the UK often fails to fully prepare prisoners for life after release. Prison Independent Monitoring Boards have concluded that such work offers limited opportunities for training and rehabilitation finding work in HMP Littlehay and Long Lartin to be ‘low-skilled, ... mundane and repetitive’ [10].
- The Howard League’s social enterprise Barbed, launched in 2005, provided HMP Cudingley prisoners with professional experience in graphic design, employing them on the same contracts as other Howard League staff [11] to mirror realistic working environments.
- However, structural barriers hindered the aims of Barbed to create industry standard work environments in prisons; Barbed was forced to close in 2009 due to the conflict between commercial work practices and prison system regulations[12], highlighting the need for a specific regulatory framework that enables social programmes to function efficiently in prisons while maintaining industry-standard working conditions.
- Furthermore, implementing well-structured prison labour schemes can support reintegration; companies Speedy Hire, MacMillan Distribution and the National Grid offer prisoners professional training and sometimes future work [13].
- Reports of reoffending rates of below 7% from National Grid’s programme, compared to the 45% national rate who reoffend one year post-release [14], show that structured, skill-focused work is invaluable in pursuing reintegration into society for prisoners.

The Effect of Rehabilitative Work Programmes on Reoffending Rates



[10] Cookson and Chamberlain, ‘Inside the Sell Blocks’

[11] The Howard League for Penal Reform, ‘Prison, Work and Social Enterprise: The Story of Barbed’ (2008) p.17

<<https://howardleague.org/wp-content/uploads/2016/05/Prison-work-and-social-enterprise.pdf>> accessed 20 November 2025.

[12] Ibid, p24-26

[13] Cookson and Chamberlain, ‘Inside the Sell Blocks’

[14] UK Parliament, ‘Support for Ex Offenders Inquiry: Written Evidence from National Grid (SEO0019)’ (UK Parliament 2016)

<<https://committees.parliament.uk/writtenevidence/66773/pdf/>> accessed 20 November 2025.



Recommendations

- 1) Ensure that prison workers have formal employment contracts, drafted in a way that makes them fall within the scope of s.230 of the Employment Rights Act 1996. Include working hours, wages and rest breaks. This would recognise prison labour as genuine work, extend basic workplace protections to prisoners, and reduce coercion by preventing work refusal from being treated as a punishable offence under s31(2) of Prison Rules 1999.
- 2) Include prison workers within s.45 of the National Minimum Wage Act 1998 and amend s.31(6) of the Prison Rules 1999 so that prisoners receive a minimum wage.
- 3) Expand meaningful work and education programmes so all prisoners have guaranteed access, not just those supported by external funding. Offer apprenticeships and education beyond Level 2 to build real world employability skills, supporting reintegration into society.
- 4) Encourage the creation of independent representative bodies under the PSO 1999 to protect prison workers' interests. Elect them through anonymous ballots and ensure employers don't retaliate. This would promote collective empowerment, provide a transparent channel for grievances, and reinforce the rehabilitative purpose of prisons.



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Legal

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