

# THE ORGANISING CHALLENGES PRESENTED BY THE INCREASED CASUALISATION OF WOMEN'S WORK

## Report for the TUC

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# THE ORGANISING CHALLENGES PRESENTED BY THE INCREASED CASUALISATION OF WOMEN'S WORK

## SUMMARY

This report seeks to understand the challenges unions face in organising casualised women workers and how organisation can play a part in alleviating some of the injustice emerging from casualised work.

The main brief was to draw on the academic literature to understand the organising challenges presented by the increased casualisation of women. While there is copious literature on organising, there is less literature on the organising of casualised workers, and even fewer studies address the organising of women casualised workers. Inevitably many studies focus on categories of worker that include women (e.g. younger workers, older workers, migrants) but which do not disaggregate the data by sex, nor by the nature of the contract under which people work.

We have also drawn on a number of recent studies from the TUC, CIPD, Fawcett Society and data from the ONS. In addition, while the original aim of the report was to focus on the academic literature, we have gone beyond this by including some recent campaigns drawn from websites, one of the author's experience and discussions with unions. The report is presented in three parts.

Part One considers the nature of casualisation, its multiple terminology and its many forms, for example, temporary work, involuntary temporary employment, agency work and zero-hours contracts. The report shows the uneven distribution of casualised work by sector and pay. In particular it demonstrates that there is a serious pay gap between those working on casual contracts and those working on permanent contracts. The greatest pay deficit among casualised workers is experienced by those on zero-hours contracts. Another group which includes casualised workers are part-time workers. The part-time pay penalty particularly experienced by women is a gap of nearly 40 per cent which has hardly changed in 20 years.

Organising is often stimulated by aspects of injustice which characterises the casualisation of women's work. These effects include pregnancy discrimination, access to training and development, barriers to asserting rights, lack of information about rights. It was noted that worker rights have been further curtailed by the increased charges for tribunal applications.

Part Two considers approaches to organising and the internal dynamics of unions at different levels. There is no intention to present a 'best approach' to organising, rather we argue that there are multiple approaches and that different approaches suit

different contexts. Mobilisation theory is introduced as an important overarching conceptual approach for organising whether it is at the enterprise level or the community level.

Organising also involves the internal dynamics of the union. The report considers the change over time of gender equality strategies leading to the improvement of women's representation in unions. Nevertheless it notes that there is still work to be done. Drawing on the literature the report reveals the experiences that many women go through in seeking to introduce change in their workplaces and their unions. They often face gendered practices that lead to an undervaluing or side-lining of women's issues. The union responses to the organising of casualised or contingent work is discussed and it is argued that the organisation of casualised workers is a benefit for all workers and union members.

Part Three turns to different approaches to organising including the role of legislation, community organising and the relational approach to organising as well as the importance of framing campaigns in the interests of social justice, collective interests and indeed interests of the public. In addition the use of on-line organising including petitions and other online campaigning approaches are introduced. Online strategies may seek to involve society rather than target only the workers affected; public interest has been shown to be very powerful particularly in work that directly affects the public, for example, care workers. Online campaigning may also be a means of mobilising fragmented workers and bringing them together to campaign collectively for improved terms and conditions. Case studies are used to provide examples of organising campaigns.

Reviews of organising campaigns have not on the whole focused on women. Organising campaigns tend to be more generic even where the targeted workforce is mainly female. The barely visible inclusion of women in the majority of studies on organising coupled with the different effects of casualisation on women makes a strong case for greater attention to women's casualisation and its associated conditions including pay, working conditions, predictability and other gendered effects. The report exposes the challenges of organising women casualised workers and presents these in three forms:

- Internal union challenges
- Union relations with employers
- Union relations with society.

The next section outlines these challenges.

## **The challenges presented by the increased casualisation of women's work:**

### **Internal union challenges**

Unions face the challenges of:

- Ensuring that unions' internal structures are fully supportive of gender equality strategies and are prepared to develop these in the context of casualised work and workers.
- The importance of building a leadership base at different levels in the union which is fully aware of the injustices faced by casualised women workers and is committed to policies of inclusion, engagement and transformation of casualisation.
- The mobilising of activists by framing campaigns to elicit the recognition of injustice and the engagement of an emotional response to the unequal position of casual workers.
- Recognising that unions need to campaign for women, not just as workers but as members of society who have concerns with respect to positive flexibility, childcare costs, sick leave and predictable hours, concerns that may also impact on men.
- Ensuring that campaigns are properly resourced at all levels in the union.
- Reviewing the equality structures in place asking if they are adequate to the challenge that new forms of casualised work presents.
- Introduce casualisation committees and casualisation reps where appropriate and link these to, for example, the women's structures, race equality and other diversity structures in the union so that intersectional experiences are evident.
- Seeking opportunities to bring women in casualised work together through conferences and gatherings so that they can share and voice their concerns and build a collective identity as women workers.
- Recognising the common interests and building solidarity between those on permanent and those on casualised contracts in the same workplaces.
- Involving men in the campaigns to support improved terms and conditions for casualised women workers.
- Demonstrate the value of joining a union for casualised women workers.
- Ensure that internal union departments also embrace the concerns of women casualised workers and work with equality departments to stem the growth of casualised workers.

### **Union relations with employers**

Unions face a number of challenges with respect to employer treatment of casualised women workers; in particular unions need to:



- Frame and publicise campaigns to enable employers to recognise the benefits for them of employing people on permanent contracts.
- Support the introduction of fair work charters which promote employers who pay a UK or London living wage and operate fair working practices.
- Negotiate with employers the reduction of the proportion of workers they have on casualised contracts by including targets in negotiating packages.
- Influence employers to adopt responsible procurement strategies and contract compliance with fair working practices.
- Negotiate with employers on equality of rights for casualised women workers with respect to a) more job security for temporary and short hours workers, b) the same rights for women casualised workers as other workers, including family friendly rights, and c) better enforcement of minimum standards for low-paid and vulnerable workers.
- Negotiate to prevent the use of casual work contracts except in the most exceptional of circumstances.
- Shame those employers who avoid their responsibilities as providers of fair pay and decent work.

### **Union relations with state and society**

Union challenges relate to the promotion of the importance of social justice in the work place in a number of ways:

- Using community and relational organising to engage and involve society in the injustice of low pay and poor working conditions on people's lives as users of public services.
- Publicise examples of contractual abuse as a way of engaging community commitment to change.
- Raising awareness of the rights of women casualised workers so that these workers understand when abusive practices are introduced.
- Harnessing political power and political allies in the struggle to prevent poor working practices.
- Challenging the legitimacy of putting people into jobs with second-class conditions.
- Campaigning for a welfare system that does not underpin employers' low pay and which does not penalise women workers' rights to benefits.
- Campaign to make the Swedish derogation agreements unlawful.
- Continue campaigns to reinstate no fees for access to employment tribunals.
- Campaign for equality of rights for casualised women workers with respect to more job security for temporary and short hours workers and the same rights, including family friendly rights, as other workers and better enforcement of minimum standards for low-paid and vulnerable workers.

- Encouraging local authorities to use their statutory powers, including granting of planning permission for businesses subject to the payment of the UK and London living wage and fair working conditions.
- Turning online communities into offline communities which form the basis of solidarity groups, with workers, trade union officials and supporters/sympathisers.
- Involving the media in campaigning for fair pay and decent work for women casual workers.
- Campaign to bring the National Living Wage (NLW) (the rebranded National Minimum Wage) up to the level of the Living Wage set by the Living Wage Foundation and campaign for the NLW to apply to people under 25.

## INTRODUCTION

The increasing casualisation of work in the early part of the 21<sup>st</sup> century has led to widespread insecurity for both highly qualified and less qualified workers. This pattern has had particular effects on women leading to their being disproportionately disadvantaged. Moreover, women have suffered particularly from the austerity measures introduced by governments since 2010. The parlous position of UK women internationally is indicated by the fall in the UK's international standing with respect to gender empowerment in society. The UK's ranking has plummeted from 9<sup>th</sup> in 2008 to 26<sup>th</sup> in 2014 in the World Economic Forum Gender Equality Index. (World Economic Forum 2014).

Against this background, this report seeks to understand the challenges unions face in organising casualised women workers and how union organisation can play a part in alleviating some of the injustices emerging from casualised work. In particular the report seeks to examine the organisation of women workers by drawing on the academic literature.

Despite the copious literature on union organising, there is less literature on the organising of casualised workers, and few studies on organising women casualised workers. Thus this report has sought to draw out the implications of the wider organising literature for an understanding the challenges of organising of women. We have drawn extensively on the academic literature. One of the challenges has been that much of the literature is gender blind. Inevitably many studies focus on categories of worker that include women (e.g. younger workers, older workers, migrants) but which do not disaggregate the data by sex, nor by the nature of the contract under which people work.

We have also drawn on a number of recent studies including reports on 'Casualisation and Low Pay' (TUC, 2013), *Decent Jobs Deficit – the human cost of zero-hours working in the UK* (TUC, 2014a), the *Age Immaterial* project (TUC, 2014b) and the *Women and Casualisation Report* (TUC 2014c) plus surveys by unions, the Chartered Institute of Personnel Management (CIPD), Labour Force Survey and others. The potential data sources and their content are wide and detailed so that inevitably we have been selective in what we have been able to include. While the original aim of the report was to focus on the academic literature, we have gone beyond this by including some recent campaigns drawn from websites, one of the author's experience and discussions with unions.

The term 'casualised' is the term we have mainly used in this report, however, casualised work may also be described in the academic literature as precarious, non-standard, atypical, insecure, vulnerable and contingent. While the focus of this report is on women's casualisation, it is crucial to note that women's experiences vary considerably depending on which sector they work in, their occupation, their

age, their ethnicity, their education, whether they are mothers, carers and/or migrants.

The term flexibility is often linked to casualisation. However, we recognise that flexibility at work is experienced both positively and negatively by workers. Temporal flexibility is where the flexible dimension is the employees'/workers' time. It is the case that flexibility of work may have many advantages and enable people to manage their home/work commitments. This is particularly important for women who still bear the double burden of paid work and unpaid domestic work. However this does not mean temporal flexibility at any cost. Instead, decent work means a 'two-way flexibility', which benefits the employer and the employee and involves a number of important features, in particular, the following four-fold factors:

- Predictability
- Agreed hours
- Pro rata payments
- A reality of the right to request time off for family activities (TUC: 2014c).

The shame is that the effect of deviation from good employment practices tends to disproportionately fall on those workers on casual contracts, with a one-sided flexibility that is all in the employers' interests and takes no account of the needs of the employee.

In other words, flexibility is often to the employer's benefit and at a price for the worker. This has the consequence of the man or woman being required to always be the flexible side of the employer/employee equation rather than enjoying the reciprocity resulting from the above four-fold factors of flexibility. It is in this negative context of flexibility, that flexibility becomes casualised.

Casual working arrangements take many forms, the main ones being

- *Temporary work*
- *Involuntary temporary employment*
  - Part-time work
  - Fixed term work
- *Agency work*
- *Short hours working*
- *Zero-hours contracts*

The focus in this report is on the role trade union organisation can play in alleviating the conditions of casualised workers. However, the government in power has the economic resources to enhance or depress women's income through fiscal policies. Many fiscal policies are particularly important to those on casual contracts and on low pay yet recent research from the House of Commons Library show that women have lost more than men as a result of tax and benefit changes during the 2010-15 Coalition Government. A study taking account of the measures in the Chancellor's

2014 Autumn Statement shows that £22bn of the £26bn of the Treasury revenue raised from tax and benefit reforms since 2010 has been taken from women – 85 per cent of the total, with only 15 per cent contributed by men<sup>i</sup>. The policies that have had the biggest impact on women include cuts in tax credits, which took £8.3bn from women but only £2.3bn from men, reductions in housing benefit, under which women lost £2.3bn and men £1.5bn, and the three-year freeze in child benefit, which costs women £3.5bn and men £346m.

It is against this political and economic backdrop that trade unions seek to make a change to the conditions of casualised workers.

This report is in three parts.

Part One begins by charting the incidence of casualised work, the sectors where it is most used and the comparative position of casualised workers with respect to pay and the very wide pay gap of some casualised workers compared to their full-time permanent contract holders. The report then moves on to consider the effect of casualised work on women including the impact of pregnancy, barriers to development including training, lack of predictability and financial difficulties.

Part Two considers the value of mobilisation theory and then focuses on the internal union dynamics that enable or constrain a campaigning focus on organising casualised women workers. The importance of the underpinning of women's structures in unions is examined including some of the difficulties that women union representatives experience, not just from their employers but also their union colleagues.

Part Three turns to organising campaigns at the level of workplace organising and more widely through community organising. The way that campaigns are framed is shown to be important and effective as is the way that unions can use legislation to ensure fairness through bargaining in the workplace. Throughout the report, case studies are used to provide insight into the practical strategies used and to provide further understanding of particular campaigns. The report ends by setting out the challenges presented by the increased casualisation of women workers.

The report can be approached in different ways. Readers who are particularly interested in approaches and ideas on organising including case studies of organising should turn straight to Part Three. Those who want to understand women's experiences in unions should turn to Part Two and those seeking evidence of the growth of casualised work and women's experience of it should begin with Part One.

## PART ONE: Incidence of casual working arrangements

We begin by setting the context for casualised work. The incidence of casual working arrangements as a proportion of the working population is in the region of 6 per cent (see below); its importance lies in the fact that:

- a) it is growing;
- b) it affects particular groups and sectors disproportionately;
- c) casual workers often work alongside permanent employees;
- d) Some data on part-time women may conceal their casual status and their vulnerability to economic change;
- e) those on casual contracts often hold down two or three jobs and are most likely to be exploited in the labour market.

The experience of casualisation differs according to ethnicity and age. Economic changes have affected the employment contracts of Black and Minority Ethnic (BME) groups. Black African and black Caribbean women have experienced a 15-20 per cent fall in full-time employment rates over the past decade, while those for white women have remained stable. 39 per cent of Bangladeshi women work part-time, double the levels of two decades ago (CODE 2014). Moreover, the evidence indicates that BME women have traditionally been disadvantaged in the labour market with black women having difficulty in progressing within an organisation and Bangladeshi and Pakistani women having difficulty in getting employment, often due to their style of dress (Bradley and Healy 2008; Bradley et al. 2007; EOC 2007).

Older women workers, half of whom work in the public services, have been particularly hit by redundancies, pay freezes and increased contracting out of services. The TUC's *Age Immaterial* project showed that two in five women over the age of 50 wanted to work fewer hours but anecdotal evidence suggested that negotiating flexible working arrangements was not always straightforward and at the same time many older women could not afford to reduce their working hours. Part-time work is prevalent amongst women over 50 but the majority of them earn less than £10,000 per year (TUC, 2014b). From a trade union position, older women are more likely to be trade union members and activists (Kirton and Healy 2013; TUC 2014b) therefore there is a union survival imperative to mobilise and build leaders among younger members.

Whilst those aged under 30 currently represent just one in four of the overall working population, they account for 44 per cent of all individual workers employed in

temporary work, and 37 per cent of all agency workers. Younger workers are reluctant casualised workers with 81 per cent of temporary agency workers aged 20–24, and 64 per cent of those aged 25–29, saying that they are in temporary work because they cannot find a permanent job. Similarly, 50 per cent of zero-hours contract workers aged 20–24 and 58 per cent of those aged 25–29 say they are only doing temporary work because they cannot find a permanent job (TUCa 2014). Trade unions are concerned to organise younger workers; the research indicates that younger workers are more likely to be mobilised by levels of injustice (Kirton and Healy 2013). Young workers' negative experiences of casualised work is an injustice issue that has the potential to mobilise such workers.

We focus on three main types of casualised work: temporary, zero-hours and agency work to illustrate the growth in casualised work.

### Temporary work

The Quarterly LFS indicates that non-permanent working arrangements include agency temps (18.1 per cent of temporary workers), casual workers (20.8 per cent), seasonal workers (3.6 per cent), as well as workers on fixed term contracts (45.4 per cent); and 12 per cent of temporary workers that are not permanent in some other way.<sup>ii</sup> Table One shows that in 2008, temporary workers made up 5.4 per cent of all employees and 25.4 per cent could not find a permanent job and that this proportion steadily increased in 2015 to 34.2, although it rose to 40 per cent plus in 2012-13. In June-August 2015, women's share of temporary work is greater than that of men (6.9 to 5.9). The proportion of those in temporary work who could not find a permanent job rose from 25.4 (27.6 men and 23.5 women) in 2008 to 34.2 (37.5 men and 31.2 women) in 2015.

• **Table 1: Temporary employees by gender (reasons for temporary working)**

Temporary employees (reasons for temporary working)												
	Temporary employees (000s)			Total as % of all employees			Could not find permanent job (000s)			% that could not find permanent job		
	Both	Men	Women	Both	Men	Women	Both	Men	Women	Both	Men	Women
Jan-Mar 2008	1,369	618	751	5.4	4.8	6.0	347	171	176	25.4	27.6	23.5
Jan-Mar 2009	1,368	625	743	5.4	4.9	6.0	407	217	189	29.7	34.8	25.5
Jan-Mar 2010	1,424	667	756	5.8	5.4	6.1	492	253	239	34.6	37.8	31.7
Jan-Mar 2011	1,539	713	827	6.1	5.6	6.7	555	283	272	36.1	39.7	32.9
Jan-Mar 2012	1,517	704	814	6.1	5.6	6.6	595	303	292	39.2	43.0	35.9
Oct-Dec 2012	1,688	806	883	6.6	6.3	7.0	690	375	315	40.8	46.5	35.7
Nov-Jan 2013	1,645	775	870	6.5	6.0	6.9	674	357	317	41.0	46.0	36.4
Dec-Feb 2013	1,575	749	826	6.2	5.9	6.6	641	340	301	40.7	45.4	36.4
Mar-May 2013	1,563	737	827	6.2	5.8	6.6	616	320	296	39.4	43.4	35.9
Jun-Aug 2013	1,626	771	855	6.4	6.0	6.8	604	309	296	37.2	40.1	34.6
Jul-Sep 2013	1,638	783	855	6.4	6.0	6.8	603	312	292	36.8	39.8	34.1
Sep-Nov 2013	1,613	763	850	6.3	5.9	6.7	595	303	292	36.9	39.7	34.4
Nov-Jan 2014	1,627	770	857	6.4	5.9	6.8	611	307	304	37.6	39.9	35.5
Jan-Mar 2014	1,606	747	859	6.3	5.8	6.8	573	289	284	35.7	38.7	33.0
Apr-Jun 2014	1,633	753	880	6.3	5.8	6.9	585	302	282	35.8	40.1	32.1
Jul-Sep 2014	1,739	830	909	6.7	6.3	7.1	597	312	285	34.3	37.6	31.3
Oct-Dec 2014	1,745	839	905	6.6	6.3	7.0	608	325	283	34.8	38.7	31.2
Dec-Feb 2015	1,660	801	860	6.3	6.0	6.6	588	316	272	35.4	39.5	31.6
Feb-Apr 2015	1,639	779	861	6.2	5.8	6.6	570	304	266	34.7	39.0	30.9
Apr-Jun 2015	1,617	749	868	6.2	5.6	6.7	547	287	260	33.8	38.3	29.9
Jun-Aug 2015	1,701	796	905	6.4	5.9	6.9	581	299	283	34.2	37.5	31.2

• Source: Extracted from ONS Labour Market Statistical Bulletins drawing on Labour Force Survey<sup>1</sup>, see <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-350752>, table EMP01 NSA: Full-time, part-time and temporary workers (not seasonally adjusted). Date of Publication: 14 October 2015



Appendix A1 shows the complexity of temporary work and its many variants, in particular, fixed period contracts, agency temping, casual work and seasonal work. In addition it provides a breakdown by sex and by part-time hours from 2012-2014. We can see that overall there is a year on year increase in temporary work of 5.3 per cent for all workers and 8 per cent for part-time workers, although there is variation by type of temporary work. Seasonal work is growing by some 38.4 per cent with part-time work demonstrating an increase of 66.2 per cent. Agency temping for all workers has increased by 8.4 per cent but when we look at data for part-time temporary employees, this figure rises to 13.6 per cent. When we examine these data by sex, we see that year on year increase for all male temporary seasonal work stands out with a 47 per cent year on year increase for all temporary male workers and 80.9 per cent year increase for part-time men. For all women, the main changes are 15.9 per cent increase in agency temping and 36.3 per cent increase for part-time agency temping. Both full term and part-time seasonal work has grown for women as well as men, 30.3 and 56.5 per cent respectively.

The TUC *Living on the Margins* report's analysis of the Quarterly Labour Force Survey<sup>iii</sup> reveals that between 2011 and 2014 temporary working increased by 25.4 per cent amongst BME employees and by 10.9 per cent amongst white employees. It was also found that casualisation was disproportionately affecting young BME workers with 15.2 per cent of young BME workers in non-permanent jobs compared to 8.4 per cent amongst young white workers. Young workers aged 20-29 from BME backgrounds were almost twice as likely to be working on a temporary basis as their white counterparts. While the report did not undertake an analysis by gender, we can be confident that many of these young workers share an intersectional disadvantage of ethnicity and sex given the increasing proportion of BME workers in the residential and domiciliary care and childcare sectors.

### **Zero-hours contracts:**

Zero-hours contracts have become a matter of union and political concern and an important element of the casualisation picture. Moreover, many zero-hours contracts may be concealed in the data on temporary work (see above). It is important to recognise that official figures underestimate the incidence of zero-hours contracts. Despite the public debates, there is low (although increasing) awareness of what zero-hours contracts are and this level of awareness may contribute to the underestimation of the incidence of zero-hours contracts. In other words, the label 'zero-hours' may not have been associated with their precarious working arrangements by the worker themselves. A zero-hours contract is where a person is not contracted to work a set number of hours, and is only paid for the number of hours that they actually work. The use of zero-hours contracts is increasing (see Table 2) and women are more likely to be working under zero-hours contracts than are men. Most estimates are drawn from the ONS Labour Force Survey (LFS).<sup>iv</sup>

**Table 2: Level and rate of people on zero-hours contracts 2000-2015 (UK, not seasonally adjusted)**

Year	quarter	In employment on a zero-hours contract (thousands)			Percentage of people in employment on a zero-hours contract		
		Both	Men	Women	Both	Men	Women
2000	Oct – Dec	225			0.8		
2001		176			0.6		
2002		156			0.6		
2003		124			0.4		
2004		108			0.4		
2005		119			0.4		
2006		147			0.5		
2007		166			0.6		
2008		143			0.5		
2009		189			0.7		
2010		168			0.6		
2011		190			0.6		
2012		252			0.8		
2013	Apr - Jun	586	262	323	1.9	1.6	2.3
2014		624	287	337	2	1.7	2.4
		697	312	385	2.3	1.9	2.7
2015	Apr - Jun	744	339	405	2.4	2.1	2.8

Source: ONS Labour Force Survey 2015

Note: October to December, each year 2000 to 2014, April to June 2015. Note also that zero-hours contracts data segregated by gender is not available for the earlier period than 2013 Oct – Dec.

Table 2 shows the growth in zero-hours contracts since 2000. However, what is noticeable is the accelerated increase in the percentage of people reporting zero-hours contracts since 2012, when it increased from 0.8 to 2.4 per cent of people in employment. The increase may partly be accounted for by the greater awareness of what constitutes a ‘zero-hours contract’ due to recent debates. Nevertheless, in absolute terms this is an increase from 252,000 in 2012 to 744,000 in 2015. Table 2 also shows that there is a higher proportion of women employed on zero-hours contracts than men (2.8 per cent women and 2.1 per cent men), therefore women accounted for 54.4 per cent of zero-hours contract workers

The Labour Force Survey shows that people employed on zero-hours contracts are more likely to be women, in full-time education or in young (16-24) or older (65 and over) age groups, perhaps reflecting a tendency to combine flexible working with education or working beyond state retirement age. Nearly two thirds of people employed on “zero-hours contracts” work part-time compared with around a quarter of people not employed on “zero-hours contracts”.<sup>v</sup> With respect to zero-hours contracts, the Fawcett Society study (2014b) found that the lack of predictability was a concern and this was compounded by the fear of refusing an offer of shifts/hours with 16.5 per cent of their sample saying that ‘they might not be offered any future work at all’ and nearly half saying that would be less likely to be offered further shifts/hours. Thus these contracts can be a route into financial hardship and insecurity. (Fawcett Society 2014b:18)

The over-representation of women in casual work is unsurprising given the prevalence of zero-hours contracts in retail and social care. In domiciliary care, where zero-hours contracts are a predominant form of work, 84 per cent of workers are female, 20 per cent were born outside the UK.

The CIPD (2013) employers' survey on zero-hours contracts showed that 23 per cent of employers report that they employ people on zero-hours contracts, 70 per cent do not currently use individuals on zero-hours contracts and 7 per cent do not know. The report indicates that on average, organisations that use zero-hours contracts estimate that 19 per cent of their workforce is engaged using such arrangements, that is one in five of their workers are on zero-hours contracts. The most common reason for using zero-hours contracts cited by employers is that these arrangements provide them with the flexibility to manage fluctuations in demand, with two-thirds of respondent organisations citing this.

However, the CIPD (2013) survey also reported that employers regard zero-hours contracts as a means of providing flexibility for staff with almost half of employers reporting that they use them to provide flexibility for individuals. Yet, 15 per cent of employers say zero-hours staff are contractually required to be available for work, and a further 17 per cent report that in some circumstances zero-hours contract staff are expected to be available for work. In such instances, it is undoubtedly the case that the benefits of zero-hours contracts are all with the employer. This is all the more the case if the contract includes an exclusivity clause to work exclusively for one employer despite the lack of reciprocity with respect to hours and days of work.

Following a consultation period when some 83 per cent of respondents were in favour of banning exclusivity clauses in zero-hours contracts, the Coalition Government in June 2014 promised legislation to ban exclusivity clauses<sup>vi</sup>. A provision for banning exclusivity was in the Small Business, Enterprise and Employment Act 2015 came into force on 26 May 2015. However, the provision was immediately criticised because the ban is not backed by enforcement measures.<sup>vii</sup>

### **Agency workers**

Women agency workers are most likely to be employed in: education and human health and social activities and sectors that include retail, accommodation and food plus administrative and support services, see Table 3a and 3b.

**Table 3a: Distribution of agency workers by industry sector 2015 (the main job held)**

	All employees/ workers aged 16 plus (%)			Agency workers (%)		
	Both	Men	Wome	Bot	Me	Wome
Agriculture, forestry & fishing	1.1	0.8	0.3	2.0	1.2	0.7
Mining, energy and water supply	1.8	1.4	0.4	0.1	0.0	0.1
Manufacturing	9.7	7.3	2.4	3.0	2.0	1.0
Construction	7.1	6.2	0.9	3.0	1.8	1.2
Wholesale, retail & repair of motor vehicles	12.9	6.8	6.1	9.5	3.6	5.9
Transport & storage	5.0	3.9	1.1	1.5	1.1	0.4
Accommodation and food services	5.4	2.5	2.9	8.2	3.5	4.7
Information & communication	4.0	2.9	1.1	2.9	1.9	1.0
Financial & insurance activities	3.9	2.2	1.8	0.8	0.2	0.6
Real estate activities	1.1	0.5	0.5	2.2	1.3	0.9
Professional, scientific & technical	6.9	4.0	2.9	6.5	2.6	3.9
Administrative & support services	4.8	2.6	2.2	7.6	3.6	4.0
Public admin & defence; social security	5.9	3.0	2.9	5.1	3.4	1.7
Education	10.5	3.0	7.5	17.0	5.2	11.8
Human health & social work activities	13.4	2.9	10.5	15.2	3.7	11.4
Other services	5.7	2.6	3.1	15.5	7.0	8.5
<b>Total</b>	<b>3067</b>	<b>1630</b>	<b>14373</b>	<b>1782</b>	<b>752</b>	<b>1030</b>

Source: Labour Force Survey

Note that the industry sectors: Arts, entertainment and recreation; Other service activities; Households as employers; and Extraterritorial organisations are merged together, and shows in *Other services*.

**Table 3b: Distribution of total number of agency workers by industry sector 2015 (the main job held)**

	All employees/ workers aged 16 plus ('000s)			Agency workers ('000s)		
	Both	Men	Wome	Bot	Me	Wome
Agriculture, forestry & fishing	340	259	81	35	22	13
Mining, energy and water supply	551	438	113	2	0	2
Manufacturing	3014	2274	740	53	35	18
Construction	2194	1930	264	53	32	21
Wholesale, retail & repair of motor vehicles	3991	2102	1890	170	65	105
Transport & storage	1533	1192	341	27	20	7
Accommodation and food services	1659	775	883	146	62	84
Information & communication	1235	888	348	51	34	17
Financial & insurance activities	1215	666	548	14	4	10
Real estate activities	337	168	169	40	24	16
Professional, scientific & technical	2136	1226	910	115	46	69
Administrative & support services	1494	811	683	136	64	72
Public admin & defence; social security	1826	931	895	91	61	30
Education	3254	937	2317	303	93	210
Human health & social work activities	4143	904	3240	270	66	204
Other services	1752	800	952	276	124	152
<b>Total</b>	<b>3067</b>	<b>1630</b>	<b>14373</b>	<b>1782</b>	<b>752</b>	<b>1030</b>

Source: Labour Force Survey

Note that the industry sectors: Arts, entertainment and recreation; Other service activities; Households as employers; and Extraterritorial organisations are merged together, and shows in *Other services*.

In some sectors, the growth in agency work is not just the concern of individuals but of society. In the NHS for example, spending on agency nurses and staff has spiralled to more than £5.5bn over the past four years and is continuing to rise amid a debilitating recruitment crisis in the health service with commentators arguing that spending in some parts of the NHS is running at twice the planned figure. The reason for the increasing reliance on agencies – at a cost of up to £1,800 per day per nurse – comes as the number of nurse training places in England has been cut. In the last year of the 1997-2010 Labour Government, 20,829 nurse training positions were filled in England. That fell to 17,741 in 2011-12 and to 17,219 in 2012-13, rising to 18,009 in 2013-14. In this case, the paradox is that NHS nurses find themselves earning less pay than some of their agency nurse colleagues, who often have less responsibility (Boffey 2014). Thus agency work as continuous solution to labour shortages has negative unintended consequences for the nursing profession and practice.

### **Pay and Casualised work**

The law states that women should get equal pay or equal value pay as their male comparators doing the same or equally valued work. More than 40 years after the Equal Pay Act was enacted in 1970, women still do not receive pay equal to the pay of men. Women constitute two-thirds of those on low pay and it is estimated that the introduction of a UK Living Wage would disproportionately benefit low paid women.

The voluntary Living Wage is now determined by the Living Wage Foundation. The Living Wage Foundation resulted from a 2011 Citizens UK initiative which brought together grass roots campaigners and leading employers from across the UK, working closely with colleagues on the Scottish Living Wage Campaign to agree a standard model for setting the UK Living Wage outside of London. At the same time, following consultation with campaigners, trade unions, employers who support the Living Wage and HR specialists, Citizens UK launched the Living Wage Foundation and Living Wage Employer mark.

The 2015 UK Living Wage rate was set at £8.25 per hour, 19 per cent higher than the national minimum wage (NMW) of £6.70 and has been voluntarily adopted by over 2,000 Living Wage accredited organisations. The London Living Wage rate has been set at £9.40.

The UK Living Wage is not to be confused with the National Living Wage (NLW) which the 2015 Conservative Government introduces in April 2016. This is effectively a minimum wage for those over 25. The NLW was a key part of the 2015 summer Budget announcement. The NLW at £7.20 per hour leaves it lower than the UK Living Wage which is £8.25 and far lower than the London living wage of

£9.40 per hour. Nevertheless, the NLW is higher than the NMW and will boost the wages of almost a third of British women, but not enough to close the gender gap. According to research from the Resolution Foundation, by 2020, 29 per cent of women will have increased pay because of the NLW changes, compared to 18 per cent of men. Women will benefit more from higher minimum wages because they are lower paid. However, women will still receive smaller annual cash gains of £690 in 2020, compared to £860 more received by men<sup>viii</sup> and people under 25 are not covered by the NLW.

The Annual Survey of Pay and Hours undertaken by the Office for National Statistics (ONS) is a key source of pay information and shows that while there is no single measure which adequately deals with the complex issue of the differences between men's and women's pay, ONS prefers to use median hourly earnings (excluding overtime) for full-time employees. Including overtime can skew the results because men work relatively more overtime than women, and using hourly earnings better accounts for the fact that men work on average more hours than women (2014:245). It should be noted that although median hourly pay provides a useful comparison of men's and women's earnings, it does not reveal differences in rates of pay for comparable jobs. This is because it does not highlight the different employment characteristics of men and women, such as the proportion of each sex in different occupations and their length of time in service. Given these caveats, ONS (2014) identifies the following changes in the gender pay gap:

- The gender pay gap, based on median hourly earnings excluding overtime, has narrowed for full-time employees, to 9.4 per cent compared with 10.0 per cent in 2013. This is the lowest on record, and despite a relatively large increase in the gap between 2012 and 2013, there is an overall downward trend, from 17.4 per cent in 1997.
- For part-time employees, there is a 'negative' gender pay gap. Although the trend is more volatile than for full-time employees, there is evidence that the gap has widened in the long-term. It has, however, remained relatively stable in recent years, standing at 5.5 per cent in April 2014. However, the difference between part-time women and full-time men is 38.8 per cent<sup>ix</sup>. This gap is little different from that of some 20 years ago.
- However before celebrating the progress on the full-time figures, we should note that for all workers – both part-time and full-time – the gender pay gap stands at 19.1 per cent. This means that for every £1 earned by a man in the UK, a woman earns only 81 pence. Nevertheless, the gap has also decreased in the long-term, from 27.5 per cent in 1997<sup>x</sup>.

Casualised workers experience an intensified pay deficit which varies according to the nature of the casualised work but overall those in casualised work earn proportionately less than those in full-time employment. Temporary workers earn £2.65 per hour less, Agency workers earn £2.45 less and unsurprisingly zero-hours

contract workers suffer the greatest pay deficit earning £3.92 less than permanent workers (hourly rates are expressed as median rates). In comparing male and female casualised pay, Hudson (2013) found that the average gross hourly pay for women in temporary work is £10.43 compared with £12.27 for male temporary workers. Similarly, average male agency workers earn £80 more per week than female agency workers or £1.90 more per hour.

The increasing contractual segregation of workers is a matter for alarm. Moreover, some groups of workers are more affected than others. Young workers in particular find difficulty in getting a permanent contract of employment and experience a casualised contractual segregation from older workers. However, women over 50 are also more likely to be on zero-hours contracts and therefore disproportionately disadvantaged by their exclusion from decent work.

### **The effect of casualised work on women**

Casualised workers, particularly women, are experiencing the negative consequences of casualised work. The recent reports on casualisation from the TUC (Hudson, 2013; TUC 2014a, 2014b and 2014c) all provide evidence of injustice and a strong rationale for change.

Individuals on casual contracts – including zero-hours contracts, agency workers and freelancers – are vulnerable to exploitation and mistreatment in the workplace. The 2013 TUC survey on job insecurity found:

- Individuals losing out on holiday pay or being too frightened to ask for time off for fear they will not be offered future work.
- Individuals being refused work because they are pregnant or are just returning from maternity leave.
- Vulnerable workers being offered the worst shifts or being expected to work late even though they have no transport to get home.
- Individuals not being paid their wages in full or on time.
- Employers refusing to adjust workers' shifts so the worker can care for their families or attend doctor's appointments.
- Workers being sent home at the start of or half way through a shift with no pay. (TUC: 2014a).

Women experience all of the above injustices *as well as* additional difficulties relating to pregnancy, maternity leave and caring responsibilities. These are documented in the TUC Report on *Women and Casualisation* (2014c) which reported on interviews with women in casualised work and are summarised below; we include additional comments where relevant.

### ***Pregnancy discrimination***

The poor treatment of the women in pregnancy was a strong theme from the interviews in the *Women and Casualisation* report and accords with the research findings of the last wide scale investigation into pregnancy discrimination<sup>xi</sup> which found that pregnancy discrimination was widespread, with some 54,000 women in Britain forced out of work each year because of pregnancy (EHRC 2015).

The TUC's *Women and Casualisation* report showed that what was particularly concerning was the use of casual contracts to undermine rights, including maternity pay, and the prevention of mothers returning to work. Several of the women interviewed found themselves having to either re-apply for their own jobs after returning from maternity leave or to accept a demotion and a pay cut. Moreover, the costs of access to legal protection was prohibitive.

### ***Lack of control over working hours and the implications for childcare***

While the lack of predictability of working hours affects both women and men but not in an equal way. Because women tend to have the greater responsibility for child/eldercare, they are disproportionately affected. Some women were given very little notice of their shifts with one given "as little as half an hour" advance notice of a shift. Without the support of families and friends many reported they could not hold down their jobs.

### ***Low and fluctuating pay***

One in 20 UK employees earned only the national minimum wage (NMW) in 2013, the highest proportion since its introduction, according to the Resolution Foundation with a further 10 per cent earning within 50p of the NMW (Cadman 2014). Moreover, the TUC 2014c study showed that what exacerbates the problem of low pay is the variation in hours which has a significant impact on the amount of pay women in the study took home each week. Many were frustrated by not being able to secure more hours or a regular work pattern.

This is unsurprising when we consider the incidence of casualised work discussed above and the national figures on those working for low pay. While the proportion of low-paid workers has remained fairly constant since the mid-1990s, a recent Resolution Foundation report found since 2009 the number of workers earning less than the UK Living Wage (not to be confused with the lower value National Living Wage discussed earlier) – an amount that is assumed to provide a full-time worker with a minimum standard of living – has rocketed from 3.4m to 4.9m in April 2013. TUC studies also demonstrate the uneven numbers of those receiving at or above the UK Living Wage, which in some parts of the UK, result in over 50 per cent of jobs paying less than the UK Living Wage. TUC analysis of official figures from the House of Commons Library shows that nationally one in five jobs pays under the UK Living Wage – currently (2016) set at £9.40 in London and £8.25 across the rest of Britain. But in some parliamentary constituencies more than half of the people working earn less than this.



Unfortunately, again the picture for working women is even bleaker. For example, well over half of women working in Birmingham Northfield (63.1 per cent), Kingswood (59.6 per cent) and East Yorkshire (58.7 per cent), Heywood and Middleton (53.9 per cent), Dwyfor Meirionnydd (53.1 per cent) and Blackpool South (50.7 per cent) take home less than the UK living wage.<sup>xii</sup>

Again it is worth repeating that the formal reporting of the hourly wage, conceals the work shortage and precarity experienced by many of the people operating at the economic margins of society.

### ***Financial difficulties caused by the impact of fluctuating pay on in-work benefits***

Linked to the previous point, some of the women interviewed in the TUC study on *Women and Casualisation* (2014c) talked about financial difficulties arising because of the interaction between fluctuating or variable pay and in-work state benefits such as tax credits. There is a particular concern about their benefits being too high if they have worked extra shifts and their ability to pay back a benefit overpayment. Evidence shows that there was a greater likelihood of the most vulnerable women in society being sanctioned (i.e. having their benefits withdrawn) with respect to Job Seekers' Allowance (Fawcett Society 2015).

### ***Lack of training or progression at work***

Casual contracts were shown to have an impact on the women's ability to get the right experience and to progress in work, receive training and have the opportunity to earn more in the future. Again drawing on the *Women and Casualisation* report, this was particularly relevant to those women in the higher and further education sector but also included one interviewee who worked as a waitress and was keen to progress with more supervisory role shifts.

### ***Barriers to asserting rights or complaining***

Most of the women interviewed by the TUC expressed concern that if they were assertive about what they wanted or complained about their treatment they would be offered fewer shifts and less work in the future or they would not get any work at all. Most of the women who were in a union valued the support on offer and some had been able to secure their rights as a result of their union's intervention. However, even where women were made aware of their rights they were fearful of standing up for their rights and the impact that this could have on their work.

It is also the case that those in casualised work may see the union as a means to achieve change. However, they fear that because of their precarious position, they would be very vulnerable to management hostility if they became more involved in union work, as in the following case.

### **CASE STUDY 1: Danger of being a union rep**

“I don’t want to rock the boat...The bottom line is that I have earned £6,000 this year from teaching, which is a drop from last year [£10,000] but it is something.”

In the past Sarah has thought about becoming more involved in union work by becoming a union representative but she thought it would be very difficult to do this. “It’s really hard for a person in my position to challenge. They can get rid of me really easily. It is hard politically to change the situation. It encourages people on these contracts to become a ‘yes’ person.”

Source: Women and Casualisation Report, TUC: 2014c

### ***Lack of information about contract type and rights***

Many women were unclear on the nature of their contract (TUC, 2014c) and, as we shall see in the next section, employers often demonstrate an appalling ignorance of the nature of contracts which they offer. This in turn makes it hardly surprising that women may not be aware of their rights as well as being fearful of standing up for them.

### **Using legislation to challenge the pay gap and unfair treatment:**

The means to challenge pay inequality and unfair dismissals, pregnancy discrimination, selection for redundancies, etc. have been reduced following the 2013 introduction of fees to make an application to an employment tribunal. The introduction of such high fees (on average £1,200 to make a discrimination claim) has made it prohibitively expensive for many women to seek justice in the workplace. There is clear evidence that the individual seeking redress under the law following unfair treatment is deterred by the new costs of taking a case to an employment tribunal – there has been a fall of 79 per cent in one year since new fees were introduced in 2013 (Jones 2014).

Many casual workers are denied rights to legal protection by not meeting the number of working hours’ criteria necessary to lodge a tribunal case or the avoidance of continuous service by the employer. It is a recognised practice that employers stop/start contracts specifically to avoid legal protection. Moreover there is a high level of ignorance among both employers and workers on the rights of casualised workers. With respect to zero-hours contracts, the CIPD (2013) states that ‘there is

significant confusion among both employers and zero-hours contract staff over which employment rights people on zero-hours contracts are eligible for'. This suggests that many of those on zero-hours contracts do not receive a written statement<sup>xiii</sup> of their terms and conditions which is of course their legal right, see <https://www.gov.uk/employment-contracts-and-conditions> (accessed 16 December 2014)

The written statement may be considered quite a bland tool to simply inform employees of their pay, hours of work and location, etc. However in the age of casualisation and the growth of temporary work, precarity and zero-hours contracts, these straightforward principles are being avoided or abused (see case study 7 which illustrates an employer's avoidance strategies).

The apparent lack of awareness of employment rights amongst many workers and new barriers to workers seeking to enforce their rights mean that unions have a crucial role in ensuring that people are aware of and able to access their employment rights.

## **PART TWO – Mobilisation theory and union response to organising women and casualised workers**

### **Approaches to organising**

It is clear that the context of casualised work is fragile, precarious and offers a high degree of insecurity to those operating in these labour markets. These are choppy waters for unions to enter given the difficulties inherent in the organising process itself, and to focus on organising casualised workers is no doubt a challenge. Moreover, focusing on women casualised workers intensifies that challenge.

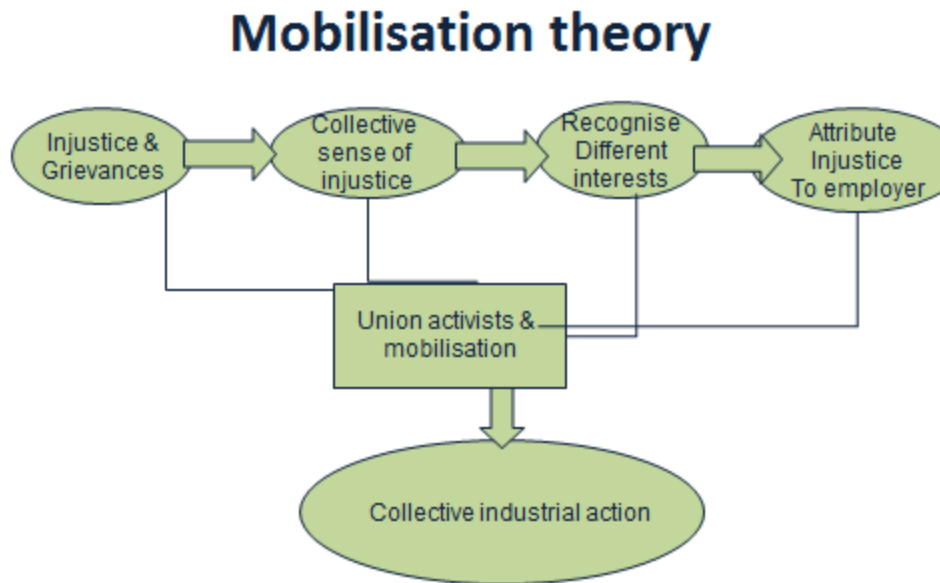
One of the difficulties faced in producing this report has been the paucity of work that concentrates on the three elements that are the focus on this report, i.e.

### **Organising + casualised + women**

Therefore the report has engaged with material that focuses on all three of these elements and seeks to draw out the implications for organising casualised women workers. A key theoretical position encompassing organising is mobilisation theory. In the UK, this is articulated in John Kelly's (1998) seminal work 'Rethinking Industrial Relations: Mobilisation, Collectivism and Long Waves' which promoted the ideas of mobilisation theory in the academic literature and among trade unions.

Kelly's (1998) 'rethinking' of industrial relations draws on Tilly's (1978) theory of collective action, where interests are the fulcrum of the model and the ways in which people (particularly members of subordinate groups) come to define them. From a mobilization perspective, leaders are important for their role in framing issues in particular ways, intensifying or moderating individuals' sense of injustice. A simplification of mobilisation stages is found in figure 1. The figure presents the key elements of mobilisation theory. The experience of injustice creates discontent, when this is shared, this can lead to a collective sense of injustice which recognises different interests. Blame is important in mobilisation theory and the attribution of blame is directed at the employer. At these different stages, union activists articulate and mobilise common interests using injustice as a lever to express different interests and articulate blame. Reflecting the importance of leadership, Simms and Dean (2014) emphasise the importance of officers and activists in framing collective interests as 'cultures of solidarity' (Fantasia, 1989). Solidarity both within groups of contingent workers and between them and the wider union, they argue, is essential for successful mobilisation. Building solidarities helps these workers overcome their inherently weak position in the labour market (Simms and Dean 2014) but crucially the aim should be to build solidarity between workers on permanent contracts with those on casualised contracts rather than promote divisions between them.

Figure 1



A further important aspect of mobilization theory is that of organization. The origins of collective identity are an important area of enquiry. Kelly (1998:65) argues that activists' notions of workers' rights are often derived from general ideologies which implicate unions in political campaigns that go beyond the workplace. Kelly's work is influential, but is not without its critics, not least because of its neglect of gender (Cox et al. 2007; Healy and Kirton 2013; Wajcman 2000) and its apparent set stages of mobilization (that is, injustice, framed by leadership, leading to the possibility for collective action) (Atzeni 2009:5-6).

Despite Kelly's neglect of gender, the relationship between injustice and mobilization is fundamental in the women and unions literature. In the UK context, Colgan and Ledwith (2000:247) point out that issues of sexism, inequity and discrimination were powerful triggers to activism and in a similar vein. Kirton and Healy (1999) demonstrate that 'significant gendered events' may provoke women into activism. Ledwith and Colgan (2002) argue that the workers keenest to join unions are those most marginalized and oppressed, women and those from other diversity groups. In the North American context, Cobble (2005) highlights the impact of class inequities in working class women's feminist struggles, Briskin (2006) asserts that the dialectical relationship between victimization and agency and powerlessness and resistance leads to the construction of women's leadership. In the social movement literature, Morris and Staggenborg (2009:171) see leaders as inspiring commitment, mobilizing resources, creating and recognizing opportunities,

devising strategies, framing demands and influencing outcome. Importantly, Bronfenbrenner recognises the progress and limitations of unions organising women workers (Bronfenbrenner 2005). Mobilisation theory and the literature on women and unions is important in understanding the conditions that shape the organising of women and casualised labour and the relationship between unions and community organising.

## **Gendered union structures and change**

In this section, we consider the union context in which women are members. Organising often begins from the union national or regional offices. It is here that unions have over the years offered a culture that women were expected to accept and work with, despite its lack of empathy with issues that have particular concerns for women. This culture is an important factor in understanding the likelihood of success for organising strategies in relation to women and to casualised women workers.

Over the years unions have undergone significant change that has benefited women and led to greater democracy. The election in 2013 of Frances O'Grady as the first woman to take the position of TUC General Secretary was a particularly important appointment. Against this achievement, it is worth reminding ourselves that the struggle for women's equality and their role in unions goes back to the 19<sup>th</sup> century including the disputes now firmly part of labour history e.g. the match women at Bryant and May and their struggle for better working conditions and pay.

Throughout these struggles, women activists committed to women's equality have been crucial. Struggles in the 1960s and 1970s also demonstrated the potential power of women workers for example, the sewing machinists at the Ford Motor Company, the women strikers in the Grunwick dispute and at Imperial Typewriters. Thus, the struggle for gender equality has been on-going and became more institutionalised in the 1970s with the publication of the first TUC Charter for women, 'equality for women within unions' (Beale 1982:100). The charter set out a number of principles that have influenced ideas on improving women's representation in union government and affairs. These included the greater involvement of women in decision-making bodies and collective bargaining through reserved seats, advisory groups, training and conferences. Moreover, behind these initiatives are the voice and pressure from feminist union activists seeking to ensure that women have a voice in unions and that those unions properly represent their women members. Various studies have charted these struggles (for example: Bradley 1999; Bradley and Healy 2008; Colgan and Ledwith 2003; Healy and Kirton 2000; Kirton 2006; Ledwith and Colgan 1998; McBride 1999).

The increased feminization of the labour force has also brought the experience of female trade union organisers and female members to the fore and has raised the question as to whether masculinist practices, which have traditionally dominated the

trade union movement, facilitated or inhibited union renewal? Masculinist practices are subtle behaviours and practices that marginalise women and may include: evening meetings in pubs, ignoring women's contributions in meetings, men taking up women's points and claiming them as their own, women's invisibility on the union agenda and women's invisibility in union achievements. The experiences of the women quoted below illustrate the resilience of these practices and are not isolated examples.

Kirton argues that there are "gendered barriers facing women activists relating to masculine culture and practices" (Kirton 2014: 16). This is echoed by Parker vis-à-vis her notion of organizing as a "masculinist practice" (Parker 2003: 173). The TUC Organising Academy (see Part Three) resulted in male-dominated unions appointing or sponsoring women organizers to help shift the gender profile of their membership. However, these distinctive skills are often associated with masculine behaviour. "Even where non-traditional organizers have been hired, they have often found it difficult to integrate, and younger and female organizers in particular have reported harassment from officers and lay representatives" (Heery, Kelly, Waddington 2003: 83). The resilience of women's subordination and exclusion demonstrates the resistance within unions to confront the dominant gendered institutional power dynamics.

This point is echoed by Heery and Simms when they write: "women organisers seem to have integrated as well as their male counterparts into their employing unions but they have found it harder to win the support of lay activists, perhaps reflecting continued male domination of workplace unionism in traditional segments of the UK economy." (Heery & Simms 2008: 37).

At the same time equality structures which altered the internal democracy of unions in the last three decades, seemingly have not changed sufficiently the way trade unions organize their workers. Internationally there is a growing body of literature outlining the successes of women-only trade unions or autonomous organizing drives based on gender (Broadbent 2007:229). Nevertheless, it is evident that women's issues are a mobilising catalyst and have led to change in the gender equality strategies used by unions (Cobble 2005; Colgan and Ledwith 2002; Bradley and Healy 2008; Kirton 2006; Kirton and Healy 2013; McBride 1999).

In 1987, the South-east region of the TUC began monitoring unions' progress towards gender equality (GE). Kirton (2014) provides a detailed chronological account of the extent of overall change in women's representation in UK unions' structures of democracy and in unions' adoption of gender equality strategies over the 25-year period (1987–2012). The findings reveal huge progress towards gender proportionality and towards getting women's concerns on the union agenda. The evidence strongly suggests that at least in part, this progress can be attributed to the wide range of GE strategies increasingly adopted over the period. However

Kirton also exposes persistent gaps and warns against regarding the union gender democracy project as finished business.

Thus over the same 25 year period, there is little doubt that women are now playing a much stronger role in trade unions. Moreover, there is greater awareness of the intersectional inequalities suffered by BME women in work and in their unions and the increasing recognition of the important contribution that BME women play in their unions (see Bradley and Healy 2008).

Pillinger's European investigation into the bargaining climate since the economic crisis began, found weakened bargaining action particularly in the countries most affected by the economic downturn. She noted additional problems arising in integrating specific gender considerations into collective negotiations and in convincing employers to keep gender equality issues on the negotiating agenda. However, Pillinger also shows that unions in some countries have played critically important roles in mitigating some of the negative impacts of the crisis on women's pay and employment, for example, by protecting the lowest paid workers from pay cuts or by challenging precarious working practices. In addition, many unions have continued to remain committed to gender equality, and in some cases the crisis has even reinforced and renewed their efforts in integrating gender equality into negotiations (Pillinger 2014). This is an encouraging overview of the European context and one that underscores that unions have an important role in the battle for gender equality, despite the general decline in union density.

For the UK, Pillinger used examples of unions eliminating the lowest grade in pay scales (Unison), expressing concern about the lack of transparency in performance awards, developing gender neutral evaluation tools and guidelines and challenging the gender stereotypes (NUT *Breaking the Mould*) (Pillinger 2014) and highlights the role of the TUC Equality Audits. We have included these audits as Case Study 2:



## CASE STUDY 2: TUC Equality Audits

The TUC's Equality Audits have been carried out every two years since 2003. They have examined union roles in promoting equality, including collective bargaining. A specific focus was given to the impact of the financial crisis in the 2012 Equality Audit (TUC 2012), which found that most unions stated that it was "more difficult to negotiate and make progress on equality issues", which had led their focus to shift to "defending equality and seeking to protect certain groups from particular disadvantages in these difficult times". The Audit showed that many unions were defending gender equality, with half of unions issuing guidance to negotiators on dealing with the equality impact of redundancy or restructuring, and to support campaigns against cuts from an equality perspective. The 2012 Audit, however, also found that unions were still promoting gender equality and continued to defend gender equality issues on the bargaining agenda.

One of the interesting aspects of the TUC's Equality Audits is the focus on multiple grounds of discrimination, which has assessed how equality has impacted on a wide range of groups such as women migrant workers, black and minority ethnic workers, disabled workers, older and younger workers, LGBT workers, etc. Overall, the Audit found that negotiations on women's pay and employment, for example, in gaining agreement from employers to carry out equal pay audits and to address low pay of women in female dominated workplaces, were the most successful bargaining strategies. Half of unions, compared to 30 per cent in 2009, had achieved positive results in collective bargaining in these areas. For example, nine unions stated that they had negotiated equal pay audits with employers in the private sector. (Pillinger 2014:52)

While, the TUC equality audits have not so far given a lot of space to casualisation of women's work, there is potential to focus on casualisation and to highlight best practice. Nevertheless, the most recent audit highlights the fact that BECTU has held a networking event with Reel Angels, a women-only agency for camera, sound and lighting professionals and UCU has recognised the challenge of increased casualisation in their relations with employers (TUC Equality Audit, 2014).

Pillinger makes a number of recommendations to national unions which include:

- the need to promote collective bargaining to reduce gender pay inequalities,
- to integrate a gender perspective into all negotiations and agreements, and into assessments of the economic crisis.

Other recommendations include:

- the role that unions can play in lobbying for mandatory pay audits and gender equality plans,
- the coordination of collective bargaining on gender pay inequalities,
- training and guidelines for union negotiators, and
- promoting gender balance in collective bargaining teams.

These are important recommendations and many of these relate to casualised women in the workplace as well as those in more permanent employment. Pillinger's overwhelming conclusion is that there is substantial evidence to show that many trade unions have not only transformed their bargaining agendas to take better account of gender inequalities, but have actively engaged in negotiations to address structural gender disparities such as women's broader economic, social occupation segregation, the under-valuing of women's work and women's precarious work (Pillinger 2014).

Widening the focus of women's working lives to include casualisation raises the question as to whether unions can engage and empower women working on casualised contracts more systematically through dedicated strategies to involve more casualised workers. In other words, can those concerned with issues around women and BME workers use some of the same strategies to enhance the working conditions and union representation of casualised workers, or do casualised workers' interests demand new and alternative approaches to organising and representation?

We already know that women face particular challenges in being actively involved in their union (see next section), and arguably casualised women will face even greater challenges, given their often higher level of insecurity. Conley (2005) argued that an 'all fronts' approach may better describe the lives of part-time women workers and trade unionists in the sector. Moreover, she and others have also argued that, far from simply being considered as an added burden, trade union activism was a powerful catalyst for change in the home and work lives of women. Bradley and Healy's (2008) study of black women union activists also demonstrated the extraordinary commitment that BME women had to their unions, but also to their community. Thus, the relationship of women's union activism with their communities was a crucial aspect of their lives. Academic studies find that far from women not being prepared to be active, when they find a cause that stimulates their commitment, they find the time in their very busy lives to make a contribution. Moreover the notion of commitment to a cause is an important aspect of women union activists' lives. This may well be increasing in importance over time. Healy and Kirton (2013) in their US/UK comparative study of women union leaders noted that younger British and American union activists were more likely to be stimulated

to join their unions by experiences of injustice, either in their own or others' working lives. In contrast whilst older women were also prompted by issues of injustice, family union links were more important.

The issue of injustice is particularly important in an era when the structural context of the economy has changed and there are fewer bastions of union power than in the past which enable inter-generational union commitment. It is also worth reminding ourselves, that injustice is a key element of mobilisation theory. There is little doubt that the contemporary campaigns run by unions on casualisation are fuelled by injustice and the demands for 'decent work' and 'fair pay'.

## **Barriers to women's union involvement**

There have been a number of studies charting women's experiences in unions (e.g. Bradley 1999; Bradley and Healy 2008; Colgan and Ledwith 2003; Healy and Kirton 2000; Kirton 2006; Ledwith and Colgan 1998; McBride 1999). In this report we draw on one recent study, Kirton and Healy's (2013) UK/US study on gender and union leadership, to elaborate on the points made in the previous section. The findings are not unique to this study. We do this in order to illustrate the many challenges that women face in their unions to get equality issues put on the bargaining agenda. Many of the agreements noted in the study reflected the influence of legislation and engaged with multiple strands of equalities. In both countries, the employer was bound by anti-discrimination legislation such as that governing equal pay, sex discrimination, human and civil rights and these principles tended to be included in the employers' rules and regulations (Kirton and Healy 2013:192).

Union representatives pointed to the importance of anti-discriminatory passages in the collective agreement often drawn from the underpinning legislation (Kirton and Healy 2013). Indeed they often saw it as part of their job to ensure that the employer observed their legal obligations. In the UK it was clear that the union challenge was to ensure that the discretion in equality legislation became entitlements (Kirton and Healy 2013:193).

Union women recognised the value of the public sector equality duty and equality impact assessments but feared avoidance strategies so that they may become box ticking exercises.

These doubts were shared by Conley (2011) in her critique of the UK equality duty. Research studies also note that the regulative prong in equalities may be weakened by bureaucratic avoidance strategies (Noon et al. 2012). These practices all alert lay and paid officials to be vigilant in ensuring that legal rights are recognised and improved upon. This was well expressed by one of the lay union representatives in

the Kirton and Healy study where informal equality bargaining was used to erode contractual terms and conditions;

*“Certainly when it comes to work-life balance, because a lot of women that work, work part-time and sometimes management will try and vary their contract somehow. They will not give them the care leave that they are due. In those places you step in and say, this is your policy and this member is eligible, you can’t just take things away from them” (Kirton and Healy 2013:196).*

This union representative is demonstrating the vigilance union reps need to have in the face of employers who unilaterally chip away at the terms and conditions of those on contingent work, whether casualised or not, but frequently in jobs held by women. So, with respect to casualised workers it is crucial that awareness of protective legislation is high and that campaigns are fought on ensuring further protective provisions including the UK Living Wage for low paid workers.

However, the Kirton and Healy study also highlighted how women union representatives are ‘fobbed off’ by male union officials. Salma is one example, she experienced difficulties when trying to get equality issues put on the negotiating agenda:

*“They’ll get it put on and then we are offered lip service, ‘oh next time we’ll do this and we’ll reconsider’ and the next time comes and we are back there and more promises are made” (Kirton and Healy 2013:197)*

A paid official explained that male socialisation may be part of the problem:

*“Well I think that women’s demands on equality are more articulate than men. I think men are less likely to follow through agreements on flexible pay, flexible working because at the moment they are less likely to ask for it. There is still that sort of macho. I think men feel embarrassed to ask for a four day week and it still falls on the woman. So they [men] are less likely to pursue equality issues . . . I think it is the training, not the gender” [Kirton and Healy 2013:198]*

Male socialisation where men may feel emasculated because they support women’s issues is a worrying outcome of intergenerational and organisational socialisation. The importance of breaking this social barrier is critical since women too need men to support campaigns on women’s issues with respect to socialisation. Thus one of the challenges of organising women casualised workers is to convince male and female officials that it is a worthwhile venture on which to spend their scarce time.

In spite of the appointment of the first female General Secretary in 2013, there are still too few women in senior roles in much of the trade union movement and the fact that women are not equally representing in decision making structures in many unions or in the TUC could be seen to undermine the fundamental culture of contemporary unionism. Inevitably dominant networks are reproduced and lead to

what Healy and Kirton (2000) described as patriarchal oligarchies. However, the increasingly diverse union membership is less tolerant of its lack of visibility and attention to reforming what might be described as the archaic rules governing some union business.

Dickens (1999) identified three prongs necessary for equality bargaining: regulation, collective bargaining and the employer's strategy. It was clear that in Kirton and Healy's study, regulation and collective bargaining remained crucial for women. Studies on trade union women provide recurrent evidence that women do make a difference to unions and their members (see for example Bradley and Healy 2008; Heery and Kelly 1988; Kirton 2006; McBride 1999). Nevertheless a persistent theme has been that women's efforts are often constrained by the dominant union structures characterised by a gendered oligarchy in which they work. Studies indicate that women strive for the numerical survival of their unions, but also simultaneously seek to transform their union by promoting a strong equality agenda (Kirton and Healy 1999).

The campaigns to organise and represent the interests of casualised workers are part of a union transformation by challenging the exclusion and subordination which has characterised the approach of some unions' responses to casualised workers (see next section). Moreover, the experience of women activists (above) indicates that women in casualised work may find that it even more difficult to get their concerns taken seriously. In other words, the challenge is to ensure that equality concerns emerging from their casualised contracts are not knowingly or unconsciously, excluded or subordinated in union priorities.

## **Organising casualised workers**

The question of what prompts a union to take up a particular strategy in a new direction is pertinent to an understanding of organising women casualised workers. Heery (2009) argues that the evidence for change is most likely where there are multiple sources of influence. In the case of union organizing top-down encouragement by officers is more significant, whereas for equal pay and part-timers, in contrast, specialist structures and equality officers emerge as a stronger influence, supporting the argument of those who believe that representing more differentiated social identities requires a prior differentiation of union systems of government and management (Colling and Dickens, 2001; McBride, 2000). This suggests that to effect change for women casualised workers, it is necessary for both national and regional officers to work together with specialist equality officers.

Union politics matter and change in unions is a function of their effective government and management as well as the institutional context to which they must adapt (Heery 2009). Union politics and power is a recurring theme in the women and unions literature (see for example, Bradley 1999; Colgan and Ledwith, Bradley and Healy 2008; Kirton and Healy 2013; McBride 1999). Union politics and power has clearly

been important in unions' decisions to campaign for and organise casualised workers. Nevertheless this is partial and operates at different levels in the union movement. Making the case to widen and deepen these campaigns is an on-going challenge for those committed to improving the position of casualised workers within unions.

In the UK context, Heery argues that union responses to casualised or contingent work are variable, demonstrating forms of exclusion and subordination but also, and more positively, of inclusion and engagement of casualised workers. Heery (2009) demonstrates this in tabular form indicating how legitimacy of interests, internal representations and external representations all change according to the union response (see table 4). If unions are to take seriously the representation of casualised women workers, they have to take seriously an approach that not only focuses on their inclusion but also their engagement so that casualised workers' distinctive needs are reflected in union policies and procedures and collective action. We would add here that such engagement and inclusion should also take account of the particular issues affecting casualised women, which are outlined in Part One of this Report.

**Table 4: Union responses to casualised work<sup>xiv</sup>**

<b>Union response</b>	<b>Legitimacy of interests</b>	<b>Internal representation</b>	<b>External representation</b>
Exclusion	Low: interest of contingent workers non-legitimate	Exclusion from union membership	Exclusion from labour market
Subordination	Low: interests of contingent workers secondary to workers on standard contracts	Secondary membership status; reduced rights to participation in union government	Union policy locks contingent workers into secondary labour market positions
Inclusion	High: interests of contingent workers equivalent to others, deserving equal treatment	Equal membership status with full rights to participate in union government	Equal treatment on a pro rata basis
Engagement	High: interests of contingent workers differentiated, requiring diverse treatment	Differentiated membership status; dedicated, specialist structures for participation	Agreements and policies that recognize the distinctive needs of contingent workers

*Source:* Adapted from Heery et al. (2004b, 130 cited in Heery 2009)

Those wedded to a union response of subordination or exclusion of casualised workers may fear that union responses of inclusion and engagement may weaken the union movement. Indeed they may ask if mobilisation will be undermined by flexible working. We point to two significant studies that dispute this position. Simms and Dean (2014) argue that building solidarities helps casualised workers overcome their inherently weak position in the labour market. Importantly, they further argue that solidarity both within groups of contingent workers and between them and the

wider union is essential for successful mobilisation. The UCU case study 3 below is a good example of this.

Similarly in Holland, Jansen et al ask whether, and to what extent, job flexibility is detrimental to mobilization with regard to the willingness to take part in industrial action. The authors examine the influence of job flexibility ('standard' versus 'non-standard' work) and job instability (changes from one job to another) on employees' willingness to strike. Based on Dutch survey data it is shown that only minor differences exist between 'standard' and 'non-standard' employees in their willingness to participate in a strike. Moreover the sex of the worker is not a relevant factor. Job instability, on average, has no effect on strike participation (Jansen, Akkerman and Vandaele 2014).

Preparedness to strike was evident in the case of the Doncaster care workers. About 70 care workers, who help with assisted living for people with learning disabilities, had taken 90 days of action from February to November 2014. This is an extraordinary example of tenacity and commitment to the principles of solidarity. UNISON was calling on Care UK to give workers a meaningful pay rise and start the minimum pay rate at £7.65. The long-running dispute over pay and employment terms ended when Care UK employees voted to accept a 2 per cent pay rise for the next three years as well as a £500 payment in 2014. The regional organiser of Unison reported that:

*"We have been able, by our action, to win 12 months' pay protection tax free, we have restored the principle of premium rates for unsocial hours and we have won a 2 per cent or consumer price index (CPI) pay award, whichever is the greater, for the next three years, as well as a £500 unconsolidated payment this year."* (see [www.unison-yorks.org.uk/](http://www.unison-yorks.org.uk/) 25 November 2014)

The above and other studies demonstrate the value of and need for organising casualised workers, but the Doncaster case demonstrates that care workers are prepared to suffer a horrendously long strike in order to win social justice. The case again demonstrates the tenacity of local activists working with the union leadership to put the case centring on interests and injustice.



## **PART THREE: Organising campaigns**

Alongside the above initiatives by women, organising campaigns are of on-going importance to unions. It was union decline that prompted the TUC's "New Unionism" initiative in 1996 and the foundation of its Organising Academy two years later and unions have developed a variety of organising strategies to meet the challenge of union decline. Within the academic literature, organising is seen as a distinctive strategy for union revitalisation (Frege & Kelly, 2003). Yet a closer look reveals that there are differing organising strategies, all of which have their strengths and limitations. In a recent evaluation of organising initiatives, the evidence for the impact of organising campaigns was shown to be very mixed and presents few reasons for optimism regarding wide-scale union renewal (Simms et al 2014). Simms et al. have argued that this is a consequence of the dominant focus of organizing practice targeted at membership development and, occasionally, securing recognition for collective bargaining rather than the wider and more political objectives of promoting worker self-organisation or social movement unionism (ibid:171).

For this report we engage with multiple initiatives on organising within and beyond the workplace and it is noteworthy that it is the nature of the injustice that is important in determining the organising approach taken, as well as the nature and extent of union representation and existing organising structures. We present organising campaigns under a number of headings but in reality there is an intersection between the different approaches presented. These approaches are: workplace and sector based organising, social and community organising, relational organising, framing and the power of discourse in organising, on-line campaigns, which all are carried out in the context of economic and legislative change.

### **Workplace and sector based organising**

Workplace and sector based organising remains of central importance in improving the conditions of work of millions of people in the UK. Indeed workplace and sector organising is also at the heart of the different approaches we discuss in this report, for example, relational organising and framing of campaigns, including on-line.

A good example of workplace and sector bargaining is the higher and further education sector, where a number of studies have been undertaken in recent years (for example, Badigannavar and Kelly 2005; Bryson 2004; Conley and Stewart 2008; Simms and Dean 2014). Badigannavar and Kelly in a comparison of two campaigns, found that in the more successful campaign, the union was perceived as more effective in voicing workers' concerns, generated greater social cohesion and union identification amongst employees, was more successful in convincing employees that the university management was to blame for their problems and promoted amongst employees a stronger sense of union instrumentality (p.515).

Thus the successful campaign reflected a fairly classic interpretation of mobilisation theory.

Bryson investigated the effects of fixed term contracts in academia and found that fixed term contracts create traps and profound disadvantages for both sexes. However, women were slightly more disadvantaged by forms of patronage that operate to permit some fixed term staff to gain more secure posts. Moreover, relative to men, these professional women neither gained nor perceived any comparative benefits from fixed term contracts as opposed to open-ended contracts (Bryson: 2004).

Bryson's study is important since it is exactly the opposite argument that is used to justify the continued use of fixed term contracts. Yet the organisational context suggests that the benefits may be unevenly split between men and women. Simms and Dean (2014) argued that building solidarities both within and between groups of contingent (or casualised) workers is essential for their successful mobilisation and helps overcome their inherently weak position in the labour market. This would appear one of the central challenges of organising casualised workers.

The next case study incorporates key elements of mobilisation theory, i.e. the importance of interests and injustice, the importance of leadership and of organisation; it is UCU's campaign on casualisation in universities and further education colleges, an institutional sector employing one of the highest proportions of casualised workers in the UK. Moreover this case is illustrative that strategies need to be adapted at a sectoral level as much as to the workers they seek to organise. Thus, strategies need to take account of industry-wide standards and seek to use the leverage that other workers in more stable conditions have to level up the standards of the casualised workforce. This is particularly important insofar that it is more and more the case that casualised and full-time staff work in the same workplaces. These strategies are evident in the UCU case study.

### CASE STUDY 3: UCU anti-casualisation campaign

The UCU opposition to casualisation has been part of UCU strategy since the early 2000s, but has increasingly become more developed at both the national and the local branch levels.

Universities and further education colleges are one of the, if not the, major employers of casualised staff. Of the 181,385 academic staff (2011/12) in the UK 82,045 are employed on “atypical contracts” according to UCU research [[http://www.ucu.org.uk/media/pdf/6/s/Use\\_of\\_Zero\\_Hours\\_Contracts\\_Report\\_0913.pdf](http://www.ucu.org.uk/media/pdf/6/s/Use_of_Zero_Hours_Contracts_Report_0913.pdf)]. According to the recent Workplace Employment Relations Study, the use of zero-hours contracts in the Education sector has increased ten-fold since 2004. Thus, the UCU’s Higher Education Sector Conference passed a motion to launch an anti-casualisation campaign.

According to the UCU website, its Anti-Casualisation Campaign aims “to recruit, involve members and raise awareness of job insecurity in post-school education.” The UCU Anti-Casualisation Committee has clear aims; it demands an increase in the use of permanent contracts, an end to zero-hours contracts and bogus self-employment, and equal treatment for agency workers. It furthermore opposes selection for redundancy on the basis of being on a fixed-term and/or part-time contract amongst other things [source: <http://standrewsunions.org/ucu/2013/anti-casualisation-day-of-action/>].

The strategy has a number of dimensions:

- A key element in the campaign was that the UCU sent a Freedom of Information Act request to every UK HEI asking questions about the use of zero-hours contracts at the institution. Thus, the extent of the use of casualised staff was exposed.
- UCU runs a blog, and an active Twitter account with 802 followers In February 2015.
- The campaign is underpinned by important union structures, which include a national committee consisting of 12 lay members plus six full-time (elected) officers [<http://www.ucu.org.uk/fthpcommittee>]. Each branch/local association may send at least one voting representative to the annual meeting, subject to a mechanism for determining a maximum size. [[http://www.ucu.org.uk/media/pdf/q/o/ucu\\_anticas\\_standingorders.pdf](http://www.ucu.org.uk/media/pdf/q/o/ucu_anticas_standingorders.pdf)].
- UCU ran two days of action within the last two years, which aimed to recruit casualised staff and focus attention in the sector on the plight of casualised staff. Forms of action included a Live Wall with photos and tweets during the day, drop in clinics and UCU members were encouraged to write to their MPs using a template letter.

- According to a UCU tweet more than a 1000 members wrote to their MP on the day of action <https://twitter.com/ucu/status/530302875264905216>.
- According to a UCU activist at Goldsmiths University of London 40-50 people attended the last national meeting on casualisation.
- Each branch is pressured to involve more people. At Queen Mary University of London for example, the UCU branch is calling for union representatives who are employed on fixed term contracts and on casual contracts. This is not an untypical strategy.

The UCU days of action have resulted in branches employing traditional (workshops, drop-in clinics, demonstrations) as well as innovative tactics (a huge iceberg outside of campus, holding up signs with demand for Twitpics) and campaigning methods to build support against casualisation.

Conditions that influence the successful running of the campaign and outcomes include:

- An active branch. Goldsmiths was used as a good example of a university with a progressive tradition, small management team, a well organised and active branch, a good link with national and regional officers and it is financially healthy.
- Edinburgh University has made an early commitment to move away from zero-hours contracts.
- UCU were also aware that there are differences between the self-perception of fixed term and those working on casual/zero-hours contracts. The campaign recognised that it may be difficult to recruit fixed term contract workers who will look to their Principal Investigator (PI) for their protection. The PI may control access to who works on the next funded contract and therefore determine whether or not the researcher will have a job in the future.
- The further education (FE) sector presents considerable challenges resulting from austerity cuts. The wide use of zero-hours contracts and agency workers provides a more challenging environment for organising in FE and the problems of communication are greater, particularly when staff are widely dispersed.
- It has become increasingly clear that the pay of staff working on hourly contracts differs widely both between and within institutions in both FE and HE.
- Incentives for joining UCU include very low subscriptions (subs), holidays from subs, helping casual staff demonstrate their eligibility for income credit.

The campaign continues.

Thanks to Jonathan White, UCU for the above information.

## Social Movement and Community organising

Community unionism may be seen as a range of practices that fall along a continuum with community organising at one end and trade union organising at the other (Cranford and Ladd 2003) and we would add that there may be an overlapping and interrelationship between different parts of the continuum leading to important alliances. Simms et al (2014) point to an important strand, which has been the increasingly strong view that unions should develop a form of 'social movement unionism' (Clawson 2003) or 'community unionism' (e.g. Holgate 2009) which typically tends to focus on developing formal and informal links between unions and other social justice campaigns to improve workers' rights (Simms et al 2014: 12 and 170). Simms et al argue that this implicitly accepts a radical view of the role unions can play in social change and promoting social justice that may conflict with some of the more institutional and regulation oriented roles traditionally associated with unions. Therefore some unions have looked with suspicion at these initiatives, whereas others have embraced them, often from a pragmatic position. Thus with respect to organising casualised workers, there is a case made by Heery et al (2004) to organise 'beyond the enterprise'.

While social movement/community unionism is sometimes posed as an alternative to that of traditional collective bargaining, in reality multiple approaches to organising are more likely to yield benefits. Moreover, these movements are not aiming to replace the collective bargaining function and operate outside the workplace as well as within it depending on the issue being followed.

Community-labour coalitions and community organising projects continue to organise some of the most marginalised workers in the US, Canada and UK (Cranford and Ladd 2003; Fine 2006; Wills 2004). Community organising traditionally involves church groups, immigrant groups and trade unions (Wills 2004). Fine (2005) argues that "community unions", modest-sized community-based organizations of low-wage workers that, through a combination of service, advocacy, and organizing, focus on issues of work and wages, have so far had greater success at raising wages and improving working conditions via public policy rather than by direct labour market intervention. This is because low-wage workers in America today have greater political than economic power (Fine 2005). Harnessing that political power is also important in the UK.

Nevertheless, Tattersall (2010) argued that coalition success must be measured by two criteria: whether campaigns produce social change and whether they sustain organizational strength over time. She also suggests that "less is more", because it is often easier to build stronger coalitions with fewer organizations making decisions and sharing resources. The role of the individual, she finds, is traditionally underestimated, even though a coalition's success depends on a leader's ability to broker relationships between organizations while developing the campaign's strategy. The crafting of goals that combine organisational interest and

the public interest and take into account electoral politics are crucial elements of coalition success. Brokering of interests is fundamental to the relationship between unions and community organisations and of course it is the brokering during which the relationships may break down.

In Britain, Unite the Union has introduced community membership. This membership scheme allows young and precarious workers in particular to join the union for as little as 50p a month (Unite, 2013). Community organising and community labour coalitions have not been able to stop the downward trend in union membership or halt the race to the bottom in wages and working conditions in the United States and the United Kingdom. The strength of community organising lies in the process of mobilisation, democratic participation and fostering of civic culture. Community organising's emphasis on 'process' and 'form' over 'outcome' and 'content' mean that community organisations do not replace trade unions' functions but can work in conjunction with unions to improve work and home lives. By strengthening the social bonds in the community and campaigning over issues which matter in the community can empower workers also to get active in the workplace or cross-fertilise.

"As community unions do not base membership on employment, they foster a sense of solidarity that goes beyond the workplace. In doing so, community unions allow working people to organize around common class interests regardless of their employment status." (Black 2007: 27).

A prominent example is the campaign for a UK and London living wage. By focusing on cleaning and ancillary staff working in hospitals and in the big city banks, TELCO (now London Citizens and part of Citizens UK) has been able to win the living wage for thousands of low-paid staff a high proportion of which are women. "Through public pressure, threats of strikes, high-profile stunts and lobbying of hospital trusts by religious figures and community leaders, the campaign succeeded in achieving significant gains for low-paid workers in a hospital." (Holgate 2014: 8).

Campaigning for a living wage has been a key issue based organising strategy (see Wills 2004). Since 1996 and the establishment of TELCO there has been a marked change in low-wage union campaigns (Kirkpatrick 2014:237). The London Citizens/TELCO community unionism story is a flagship for community union organizing efforts in the UK and was influenced by US organizing strategies, including the work and training principles of Saul Alinsky.(2010). TELCO has been running living wage campaigns in East London since 2001 (Wills 2004). These campaigns have been inspired by Justice for Janitors and the SEIU campaigns in the USA. They engaged in "new forms of community organizing" (Wills, 2004; Kirkpatrick, 2014:239) which have run up against the dominant service union model. The Living Wage campaign has been an undoubted success (see discussion in Part One)

With the rise of new social movements against neo-liberalism, strategies such as social movement unionism (Moody, 1997) and community-based unionism recognise labour's fragility and place a premium on coalition-building and alliances. Holgate takes a particular model of organizing — that of the Industrial Areas Foundation (IAF) which includes London Citizens — and analyses trade union engagement in coalition-building activity in London, Seattle and Sydney. She identified variations in working with community groups from an ad hoc instrumentalism to deep coalition building. While these variations may, in part, be explained by different industrial relations contexts, it appears that the 'fit' between ideology and culture of unions and their coalition partners, as well as the practices and strategies that reinforce this fit, strongly influences the attitude and behaviour of unions towards non-workplace-based organizing and the depth of their involvement in coalitions. Thus despite similar factors pushing unions to consider new strategic community alliances, union approaches to working with the IAF differed across the three cases: while unions in Sydney and Seattle sought to build deep and sustainable coalitions, unions involved in London Citizens adopted a more *ad hoc* instrumentalist approach, only engaging with the coalition when it was dealing with issues of specific interest to the union (Holgate 2014). This study is a warning for those who wish to encourage unions to make coalitions that have particular benefits for women casualised workers. Purely instrumental approaches may well lead to short-term relationships and not the long term deep relationships with coalitions that will lead to more fundamental change.

The USA provides some good examples of coalitions between unions and community organisations and evidence of campaigns that are often carried out over many years. Unionising home care is seen as one of the hardest areas to organise given the fragmented, precarious and feminised nature of the work. Boris and Klein recount the story of how providers of home services for individual low income clients came to be recognised as workers and which illuminates the challenges of organising the caregiver labour force, especially one in which the home is the workplace (Boris and Klein 2007:177).

The invisibility of home care often accompanied by an intensification of care work led to the jobs being contracted to what employers consider the essentials of household maintenance and bodily care. This is in contrast to the equally essential but intangible work of conversation, keeping someone company, chatting together about family and friends and carrying out bodily care in an unhurried way, which aides constantly remarked as being essential to the job (ibid:180). This will strike a note of recognition with the debates about home care in the UK. The Service Employees International Union (SEIU) strategy was to offer 'an identity as a worker . . . part of a giant work-force, doing important work that merits recognition, respect and decent standards' (ibid). The targeted workers were women (primarily poor, female and black and Latina workers), who formed a Domestic Workers' Service Centre, mobilised local support including that of consumers. The SEIU strategy

has some parallels with the Irish Services Industrial Professional and Technical Union of Ireland (SIPTU) case 4 (below).

A different strategy focusing on the dignity of cleaning workers involving coalitions of unions, employers and the Equality and Human Rights Commission is the *See the True Value* campaign for cleaners (again a predominantly female occupation). This campaign aims to raise awareness of the invisibility of cleaners through briefing packs, postcards and dignity and respect posters highlighting the value of cleaners. It also advocates 'responsible procurement principles' (returned to later in the report) with respect to buying in contracted service.<sup>xv</sup>

Janice Fine has carried out extensive work on worker centres and immigrant communities in the USA. Often women's work is targeted for organising and women play leadership roles (Fine 2007: 212). She argues that there should be ways of worker centres joining unions without sacrificing the discrete identity and structural integrity of their groups. She too argues that organised labour needs to stop looking at worker centres instrumentally – asking what is in it for organised labour in the short term. Fine argues that worker centres are organisations that are providing services to, advocating for, and organising low-wage workers and are carrying out functions that are essential to the 21<sup>st</sup> century labour movement and they should be welcomed into the ranks of organised labour (Fine 2006; Fine 2007:230).

In the UK, there is often ambivalence among some unions to community groups. For example, despite the presence of a large number of BME support organisations based within BME communities, trade unions appear to have done relatively little, to forge alliances or build partnerships, although there are exceptions. This is curious in the face of the increasing rhetoric of a community approach. Perrett and Lucio argue that a lack of understanding of union roles and functions, and uncertainty in relation to trade union intentions and the potential benefits they generate, have subsequently emerged within BME interest groups and communities (2009) Lucio and Perrett go on to argue the rhetoric of community unionism has been adopted in an uneven manner by trade unions: they suggest that:

- (a) community initiatives are variable,
- (b) they lack a structure and clear vision,
- (c) the question of BME engagement is rarely central in many projects, and
- (d) the ambivalent role of the state is a significant factor in many of these initiatives

(Lucio and Perrett 2009).

Again in many of these UK studies gender is not visible. However, the lessons are clear. It is crucial that trade unions in engaging with community organisations seek to understand the nature of those organisations and the concerns of those who are



community organisation members. More specifically we would argue that the voice of casualised women workers in different areas of work needs to be heard and understood.

Despite these criticisms, a recent collection of four-country studies on organising demonstrates that there has been a 'countermovement' of union campaigns in immigrant workplaces (Adler, Tapia and Turner 2014). Adler et al identify key ingredients that were part of well-known campaigns, such as Justice for Janitors and Hotel Workers Rising in the USA, Justice for Cleaners in the UK and the *sans papier* movement in France all include social justice framing and comprehensive campaign approaches. They go on to state that in all of these cases, innovative union leaders viewed immigrant organising as a vehicle for labour movement revitalisation as well as a channel for efforts to bring representation to increasingly vulnerable workforces in fragmented labour markets. In each case, distinctive ethnic identities were accepted and even encouraged, in pursuit of greater working class solidarity (ibid: 12).

Tapia contrasts unions and community organisations and their methods. She illustrates how the trade union engages in a service-driven culture, cultivating instrumental commitment between the members and the union. The community organization, in contrast, engages in a relational culture and exemplifies a form of social commitment between the members and the group. As a result, different types of commitment and organizational cultures help explain why sustained member mobilization within a trade union is harder to achieve than within a community organization (Tapia 2013; Tapia and Turner 2013). The lessons from the above campaigns do not identify the different interests of women; however, they provide insights relevant to the organisation of casualised women workers, many of whom may be from BME and immigrant backgrounds.

The next case study is on the SIPTU campaign for home care workers was the first strategic organising campaign of SIPTU since it launched its National Organising Unit in 2004. The campaign began as a strategy to unionise the home care sector, it evolved into a form of social movement unionism that also addressed the state's role as an employer and the future of long term care in Ireland, indicating how campaigns can take on a life beyond the original organising strategy.

#### CASE STUDY 4: SIPTU Ireland

SIPTU undertook a seven year campaign in Ireland to organise home care workers, who were isolated, precarious and predominantly female workers. Despite an ageing population and the lack of qualified workers on the labour market, home care work is considered a “bad job”. This totally neglects the fundamental of necessity of care work in any society.

Despite the many grievances that workers had, it was not self-evident how to channel these into a campaign as home care workers identify with their clients, empathize with their needs and do extra work that is frequently not in the job description. For that reason building group solidarity and identity were key to the success of the SIPTU campaign.

By appealing to issues beyond the jobs and uniting service providers and users, the campaign employed tactics associated with social movement unionism. Furthermore, the union organised house calls, demonstrations and employed a number of other innovative tactics.

The campaign resulted in 12,000 care workers being organised in the union and an ultimate victory in 2013 after seven years. This campaign represented a venture into strategic sector-based organising, providing the union with opportunities to test new tactics such as ‘grassroots’ membership recruitment and coalition building with social lobby groups. Even so, traditional union reliance on state industrial relations machinery was crucial to the campaign. Irish Labour Court recommendations were vital in providing evidence of progress in the campaign. A key lesson for the union was the necessity to realign priorities as the campaign developed. At the start of the campaign, grievances concerned pay and conditions. However, these issues were quickly replaced by concerns of equal treatment between direct and non-directly employed care workers. By 2013, the threat of outsourcing became a crucial concern. Despite the relative success of the campaign to date, significant challenges still exist in the care sector. The working conditions of care workers still vary significantly across employers due to weak or absent regulation in the care sector (Murphy and Turner 2014:385).

The authors argue that SIPTU’s foremost achievement in this campaign was the development of public support for the workers and the high

level of awareness regarding the campaign nationally. Identifying the quality of LTC (long-term care) as an anchor for public support was also crucial to success. Similar levels of support amid campaigns targeting other low-paid or vulnerable workers would certainly improve the probability of a successful outcome.

Lessons:

- Clear union strategy involving women care workers
- Importance of the public and interested support groups
- Importance of the Irish institutional regulation
- Tenacity and preparedness to change tactics

Fears:

That the increasing privatisation introduced in the long term care sector enabled by the austerity measures will make it more difficult to organise new care workers and retain existing members. Looking over their shoulders to England provides SIPTU with a salutary and worrying picture of the future.

Source: (Murphy and Turner 2014)

## Building a relational culture

Relational organising is based on the values of solidarity and mutuality rather than providing a service. It places a large emphasis on one-to-one conversations and seeks to counter the service union model. Relational organizing is a key aspect of community organising, but is also an approach that can be used to engage potential members at the level of the workplace. It seeks to turn workers' identification with their occupation into a source of power and strength for union members (Saundry & McKeown, 2013). This has profound potential effects for women workers in the health and care sector.

According to Saundry and McKeown, UNISON has sought to use relational organising in two pilot projects in the NHS in 2008 and 2009. The first one took place in the Camden Primary Care Trust. The second one took place in a NHS UNISON branch in the Northwest. The goal of the Camden project was that 'every member and potential member has a meaningful, personal relationship with a branch activist' (cited in Saundry & McKeown, 2013:536).

Saundry and McKeown conclude that a focus on building relationships between members and union activists offers the potential for greater branch engagement than more conventional issues-based organizing (Saundry & McKeown, 2013: 534).

The authors also point to how workers' identification with the NHS and healthcare create a resource which can be turned into a terrain of 'positive resistance'. Importantly, the principles and practices of the relational approach resonated with both activists' sense of collectivism and trade unionism and also their skills and affinities in building relationships routinely exhibited in their occupational roles in healthcare (Saundry & McKeown, 2013: 545). Relational tools have an intrinsic value, through one-to-one meetings, mass public meetings, and empowerment and at the same time these tools can build associational and organisational power as well as lead to a better representation of casualised women workers.

A key factor in these campaigns was management goodwill; however, Saundry and McKeown state that this approach is ultimately limited as it "fails to confront the power relations" (Saundry & McKeown, 2013: 545).

The following case also engages the principles of relational organising in a campaign run by the German union, ver.di, which seeks to build both social recognition and mobilising members within an existing bargaining unit. While these workers are mainly women they are not casualised. Nevertheless, some of the methods used by ver.di are potentially transferable to casualised workers, particularly where there is a recognised union. However, this approach can also be a useful mobilising strategy in greenfield campaigns where petitions are launched that include signatures and telephone numbers and are used as a means to turn supporters/sympathisers into active participants.

#### **CASE STUDY 5: Ver.di social and education campaign**

The German services union, ver.di, launched its social recognition campaign for the mainly female pre-school educators and workers in social services at the end of 2014. Pre-school educators and social workers have union recognition and a collective bargaining agreement. Social recognition is akin to framing in it seeks to raise the profile of pre-school educators' work, how it is perceived by the public and most importantly how it is remunerated financially in comparison to male-dominated jobs with a similar degree of education. Social recognition is crucial as only when and if the job of a pre-school educator is socially valued will there be a chance of higher pay in times when budgetary constraints dominate the political discourse.

There are more than 250,000 pre-school educators in council-run pre-schools and most of them are women who are full-time non-casualised staff. They last went on strike in 2009 and won improvements in health, safety and working conditions. In the 2015 dispute, ver.di demanded a minimum 10 per cent rise for all workers in pre-school education and social services from local municipalities and councils. Whereas membership numbers have been declining throughout the organisation, the education and social areas have seen membership grow in the wake of 2009.

Lay membership participation has been essential in driving forward the willingness to strike. More than 300 lay members and activists participated in the union conference, ver.di Kasseler Konferenz, in November 2014 and voted on the key demands.

Members were mobilised via telephone mobilisation. Telephone mobilisations use a predictive dialling system in which lay members and union staff mobilise their fellow members to information meetings, set up one-to-ones, and other activities at a local level. The goal was to create direct communication between union full-timers, activists and the rest of the membership in order to identify new activists and potential leaders. This relational tool increased lay membership participation by speaking to members individually and developing individual ways for them to participate in the campaign. Telephone mobilisations were organised on a district level where contact between union officials and lay members is stronger, and therefore better able to engage lay members in union activities and further help unions to identify new and potential activists which can facilitate a generational transition.

Union meetings which had previously seen a handful of people turn up, now saw between 40 and 60 people attend. Union full-timers who were mainly responsible for servicing their members introduced the campaign in the working teams of the pre-schools and recruited members there. Direct mobilisations over the telephone particularly help unions to organise fragmented workers who are neither in regular contact with the union nor with work colleagues.

Telephone organising may be transferable tools for organising women casualised women workers. The telephone mobilisations are used at different points throughout the mobilisation process. In the first instance, they are used to bring together the group of existing activists and inform the membership that the union has entered negotiations, what the union demands and what that could possibly mean in terms of action, i.e., strike. Following an hour or two of telephone training, the telephone organiser calls their fellow colleagues with a crib sheet at hand and a predictive dialling system. The predictive dialling system means that the organisers spend almost all their time in phone calls rather than dialling numbers and waiting for someone to answer. Unlike sending an e-mail or glossy mailer, telephone mobilising enters a one-to-one (or peer-to-peer) discussion. This enables organisers to identify potential leaders, activists and passive members turning the membership list with names into a heterogeneous group of individuals at different levels of union engagement, participation and commitment. By proposing different forms of action – Low: receive newsletter; Middle: attend a union meeting; High: hand out leaflets to other colleagues in your work; Highest: organise a meeting in your work team – the organiser instantaneously understands what the member is interested in and is

able to do. When the members receive a phone call from the union, they are usually shocked to hear from the union via phone and want to talk about all kinds of problems. As in any one-to-one conversation, it is important for the mobiliser to build rapport and enter in a discussion rather than just ask the questions as in structured interviews.

The second point at which the telephone mobilisations are used is in regions, districts and rural areas, where the union has no presence whatsoever. Here, trained telephone mobilizers cold call the pre-schools head, or the institution which will be affected from the outcome by a strike in particular. Ver.di offers to visit their institution to introduce the issues in the bargaining round. The callers clarify that the meeting is not solely about gaining membership, but an issue-based meeting to see whether there is a common basis of working together. There are multiple reasons why the cold calls work. From Bergfeld's experience, the following points stand out: (1) the pre-schools have severe understaffing and need any help possible to come to terms with their dire situation.

(2) the trained telephone organisers and full-time staff are highly professional and competent in themes facing pre-schools. Thus, the telephone organiser can interest members on the basis of identification with job and level of expertise the union will bring into the institution.

(3) the fact that the union offers a small meeting with the team means that members and heads feel their views are taken seriously and enables an easy way to communicate.

Telephone mobilisations need to be understood as if the trade union were to go door knocking and talk to all its members, or have one-to-one conversations with union members at a party or in the pub. For many of the lay activist callers it is a transformative experience insofar that they understand their own power to activate other members, and only need to spend two hours or more on the phone to achieve results. Organisers can work from home, making the barrier to entry very low. However the relational skill of mobilising someone and building rapport over the phone should not be underestimated.

The campaign ran until June 2015. The final agreement in September 2015 resulted in workers winning an average of four per cent pay rise.

Thanks to Mark Bergfeld, who worked as a telephone organiser for ver.di, for this case.

## **Organising in the context of economic and legislative change**

Social and economic change plays a central role in understanding the context in which casualisation has thrived. Moreover, Schmitt and Mitukiewicz (2012) in their

study of 21 OECD countries over the past 50 years found that observed patterns suggest that national politics are a more important determinant of recent trends in unionisation than globalisation. This view may be contested but it does point to the importance of national politics in ensuring that a pluralist state remains important in a modern democracy. They point to the significant decline in union membership and collective bargaining in liberal market economies in contrast to social democratic societies where there is evidence of increase (Schmitt and Mitukiewicz 2012). Thus politics matter. The strong neo-liberal agenda followed in the UK since 1979 has ensured that privatisation and the market remains dominant and has disadvantaged those workers in the economy less able to challenge market forces. Moreover, the neo-liberal agenda has legitimised the driving down of the price of labour, the breaking up of jobs, the fragmentation of work and ultimately led to the increase in casualised work. Unions seek to act as a brake on the negative effects of the neo-liberal agenda as this report confirms.

Union challenges to this relentless march of market driven policies has been patchy but nevertheless some important victories have been noted. See the following example with respect to legislative change and agency work:

#### **CASE STUDY 6: Agency workers**

In BT, the Communications Workers' Union (CWU) has developed a long-term negotiating strategy aimed at securing equal treatment and access to permanent jobs for agency workers employed in call centres across the country. The union has also negotiated recognition agreements with Manpower PLC – the main agency provider to BT. Following negotiations on the implementation of the Agency Workers Regulations; many CWU members received significant pay rises. A female agency worker who had worked at BT for 14 years handling calls during unsociable hours, was on low pay, at times just the national minimum wage. But since 2011 she has received equal pay with that of her BT colleagues, and earned more than £19,000 a year. This has had a huge impact on her financial security and her ability to provide for her family. More recently the union has secured the conversion of more than 300 agency jobs in BT into permanent contracts. This gives the job security BT provides with direct employment coupled with job progression opportunities and a long term 'career' with BT as a result. Further practical benefits of direct employment resulted, which crucially include far easier access to mortgages and loans, as well as the opportunity to start planning for their long-term futures by joining the BT pension scheme and Share Save investment plan.

Source: <http://strongerunions.org/2014/12/19/decentjobsweek-organised-workplaces-are-fighting-back-against-casualisation/>

Legal regulation has already been identified as an important theme that runs through a number of the case studies and which provides support for union reps and influences employer strategies. The agency worker case above illustrates the importance of negotiation around legal provision. Legal regulation has traditionally been an important means through which unions have sought to improve working conditions. Through political pressure, unions have campaigned to secure changes in the law for contingent workers often in partnership with community organisations. Examples include the London Living Wage campaign (Wills 2004), campaigns at the level of the European Union where unions have been party to campaigns to secure the extension of equal treatment law to workers on non-standard contracts. These European measures, in turn, have provided an opportunity for political and legislative action at national level. In Britain, unions have influenced government regulations on fixed-term work and have negotiated the introduction of agency work regulations with government and the Confederation of British Industry (Heery 2009). Nevertheless, as Heery (2009) argued the legal protection of contingent workers in Britain remains limited and compromised by government policy to promote flexible labour markets, although unions were instrumental in campaigning for change during 1997-2010 Labour Government. During this period, legislative change was an important stimulus to activity on equal pay on behalf of part-time workers. The Part-time Workers Regulations 2000 stimulated negotiations to remove unlawful discrimination, while union activity on equal pay has arisen from evolving case law. The relationship between bargaining and the use of case law to establish concessions has become characteristic of union strategy (Colling and Dickens 1989; Colling and Dickens, 2001: 150–1).

Moreover, there is little doubt that union representatives use legal provision to ensure that there is compliance with the law and that this is of significance for those working to ensure gender equality in the workplace (Bradley and Healy, 2008; Kirton and Healy 2013). This is all the more important in the context of the on-going threat to those on casualised contracts. Over ten years ago, Conley found that temporary workers were largely excluded from equal opportunity policy and practice, bringing into question a concept of equality that can permit less favourable treatment for certain groups of workers. She further argued that public sector restructuring, particularly concerning decentralization and the quest for flexibility, has facilitated the differential treatment of employees, thereby fundamentally eroding the basis of equal opportunity policy and practice (Conley 2003). The unequal pay outlined in Part One is clear evidence of the continuation of this trend. Moreover, in many workplaces there is a two tier workforce where permanent staff work alongside casualised staff. This situation creates new challenges and opportunities for building solidarity between all staff. Reflecting on Conley's (2003) warning about the erosion of the basis of equal opportunity policy and practice, it is clear that this is as relevant today, if not even more so, given the increasing number of women casualised workers.



But the driving down of conditions of work is not inevitable. There are a number of examples where local authorities and public bodies are demonstrating good employer practices and work with unions to offer fair work.

Large buyers of services such as the NHS and local authorities can use procurement as a lever to encourage firms wishing to bid for contracts to demonstrate equality principles and practices, including the UK (or London) Living Wage (see BECTU case study below). This of course demands that unions and community organisations are fully aware of the contract provisions so that they can use them to ensure compliance. Wright's research revealed that the London Olympic Park construction project saw increased numbers of women and ethnic minority workers – groups typically underrepresented in construction – because of targets and action plans set for private contractors by the Olympic Delivery Authority, a public body subject to the Public Sector Equality Duty (Wright 2014). Thus responsible procurement can be an important means of motivating organisations to take equality seriously in their recruitment and development of staff. Local authorities are taking this further and incorporating the UK or London Living Wage into planning permissions.

Wright also reports that public authorities in the UK are only starting to become aware of the requirement of the Public Services (Social Value) Act 2012 to consider additional economic, social and environmental benefits in the commissioning of services. She argues, based on the Women into Construction project in London, that the legislation can be an additional spur to address women's underrepresentation in the construction industry, contributing to reducing occupational gender segregation, which is a factor in the persistent gender pay gap (Wright 2015). The construction industry is an important target given its notoriety for casual working and the lack of women. Thus, in different ways, contract compliance is a means to ensure fair pay and conditions for all staff, regardless of contractual status.

However, we should exercise some caution in uncritically supporting procurement contracts that specify the living wage, since there is some evidence that living wage payments can go hand in hand with zero-hours contracts. It is important that one positive initiative is not undermined by another negative practice. Thus one good initiative has to be seen in the whole rather than as a strategy disconnected from other employment conditions. Therefore the case for 'responsible procurement' should specifically include terms discouraging casualised employment.

Coalitions are important; coalitions with local authorities for example, have a particularly important dimension in that local authorities can bring the power of local regulation to be used to protect decent working conditions, as the BECTU example demonstrates.

BECTU (Broadcasting, Entertainment, Cinematograph and Theatre Union) has been running a campaign to win the London Living Wage for the workers at the Ritz

Cinema in Brixton. BECTU frames the Ritzy dispute within the wider context of the cinema sector being a low wage employer with most of the big chains paying at or only just above the National Minimum Wage. These low wages were despite the fact that the parent company, Cineworld which owns Picturehouse, made profits of £31 million in 2013. BECTU is the recognised trade union at Picturehouse's Ritzy Cinema in Brixton and members there were determined to win a pay rise. Following a long dispute earlier this year with 13 strikes and huge support on social media and in the press, members at The Ritzy were earning £8.20 per hour at the beginning of 2015. BECTU's campaign is to win a living wage for all workers in the Picturehouse cinema chain. The role of the local authority became part of the story when a new branch of Picturehouse in West Norwood, South London, agreed to pay its staff the London Living Wage. This is the result of Lambeth Council responding to growing public concern and actually making the payment of the London Living Wage a condition for granting the necessary planning permission. BECTU is continuing its campaign to get workers across the Picturehouse chain paid a London Living Wage. <sup>xvi</sup>

Employers are a central aspect of the challenges unions face in organising casualised women workers. Employers argue that zero-hours contracts are necessary under certain conditions; but in reality such conditions are relatively few. We highlight an example of one local authority, Liverpool City Council, (LCC) which aimed to a) confront the negative effects of zero-hours contracts and b) to expose some of the local practices of employment agencies. They did this in the light of the levels of national concern over zero-hours contracts and similar low hours' employment contracts. The LCC Employment and Skills Committee set up a Skills Scrutiny Panel to examine the practices of one agency, the personnel agency, Prime Time Recruitment and reported their findings in Kushner (2014)

In order to confront the negative effects of zero-hours contracts, LCC determined the conditions under which it would offer such contracts using a Standardised Worker Agreement with pay, terms and conditions that are approved by the trade unions. This is used to employ 442 people within the specific remit of those areas where it is acceptable to both the organisation and the employees and where set working hours are not appropriate, such as sessional working and special events, including bar and catering staff, stewards and technical staff. The Council has a strict policy that prohibits the use of such contracts as a substitute for full time employment and is committed to not using such contracts to the detriment of its employees. The rates of pay are bargained with the union, there are no exclusivity agreements.

The LCC's Skills Scrutiny Panel was concerned at the growth of agency employment in the Liverpool City Region<sup>xvii</sup>. Employers, particularly in sectors with a majority female workforce, retail, manufacturing, warehousing, cleaning and hospitality sectors were increasingly using staff from recruitment agencies as an alternative to employing staff directly.

The Liverpool Report highlighted a common abuse of the Agency Workers Regulation. Under EU law, the EU Agency Workers Regulation entitles agency workers to get the same basic pay and conditions as comparable employees after a 12-week qualifying period. However there is a loophole in EU law called the ‘Swedish Derogation’<sup>xviii</sup>, which means that agency workers are not entitled to equal pay, as long as this is explained to them, and they have a permanent contract of employment and are paid between assignments. ‘Zero-hours’ contracts do not count as a derogation contract, but 7 hours Mobility Worker Agreement contracts do and these are the most common form of contract used by agencies. The Prime Time Recruitment demonstrates the abuse of agency work and provides narratives from the different parties involved.

### CASE STUDY 7: Prime Time Recruitment

Prime Time Recruitment (PTR) is a personnel agency that ‘provides both temporary and permanent recruitment services to many thousands of clients across a diverse range of sectors within the UK’. It uses Mobile Worker Employment Contracts to supply labour on a temporary basis, and these are mainly in the manufacturing sector. The Liverpool report focuses on the placement of Prime Time staff in the Jacobs factory (United Biscuits) in Liverpool an important employer of women. PTR’s employment conditions were:

- PTR is employees’ only job and their only source of income.
- The Mobile Worker Employment Contract, “offers a guarantee to employees that Prime Time will offer a minimum of 7 hours work per week within a 25 mile radius of the initial site at which the employee is first employed under the contract.” This Contract means that Prime Time is not bound by equality legislation and entitles it to pay lower rates of pay to agency staff than they pay, for example, to regular staff at Jacobs [local employer and user of Prime Time].

Employees stated:

- they do not have a regular schedule of work, therefore do not know when they are working, often until the day they are needed receiving an SMS message on the day they are required to do shift work. Being unable to plan their week disrupts family life and makes it uncertain what they will earn in a week.
- they regularly have to sign on and off benefits.
- Employees are required to pay their own travelling costs which could be up to 25 miles as the crow flies and lead to earned income being below the minimum wage.
- Some staff had worked for Prime Time for over 2 years but there was evidence that employment contracts/agreements are

cancelled and reinstated within a 2 year period, thus preventing staff from having continuity of employment and the protection of their statutory rights.

The GMB local official claimed that “that the training of Prime Time workers is not always completed and can be inconsistent.”

**LCC RESPONSE** In addition to the Standardised Worker Agreement (see above), the Scrutiny Panel provided a number of recommendations to avoid the unfair conditions outlined above. The recommendations included: i) the Council should set up a Charter mark for local employers that recognises good practice in the use of agency staff and ii) includes the engagement with the relevant trade union and unions should actively recruit agency workers and those on zero-hours contracts as members and iii) suggests that it may be possible to negotiate with Work Programme providers and Job Centre Plus to include sessions on the role of trade unions as part of their employability programme, and iv) campaign and lobby government for a change to close the loophole in the Swedish derogation in the Agency Workers’ Regulations and to investigate the use of agency staff with a view to changing benefit entitlements processes to take account of the effects of zero-hours contracts (see Kushner 2014 for full list of recommendations).

The above case is important as it illustrates the way that local authorities are working with unions to improve the working conditions of casualised workers. Moreover, it is also a case where they are publicising unfair working conditions; and are campaigning for changes at government, DWP levels and with the employing organisations. Coalitions with local authorities may well provide a further avenue to facilitate the organising and protection of casualised workers, thus challenging the conditions of agency work such as that found in Prime Time Recruitment is fundamental to the challenges of organising casualised women workers.

### **Framing and the power of discourse**

In a number of the above case studies, framing has been an important element of the campaigning. In challenging the conditions faced by casualised workers, it is worth reflecting on lessons from earlier campaigns to support part-time workers.

Heery and Conley (2007) in their analysis of unions’ changing position on part-time workers emphasised the importance of framing in the development of union policy on part-time work over the 35 years they reviewed and how the framing depended on new and feminist voices being raised that articulated the interests of part-time

workers. Two broad types of frame were apparent in Heery and Conley's study of the documentary record of union policy on part-time work. On the one hand, there is an *instrumental* frame, which emphasizes the need for unions to act on behalf of part-time workers if established interests are to be protected. On the other, there is a *solidarity* frame that stresses the intrinsic merit in union representation of part-timers and calls for other workers to offer support. Both frames seek to elicit distinctive emotional responses from those exposed to their elements (Heery and Conley 2007). Heery and Conley (2007) asked how successful have these attempts at framing proved to be? The answer following their analysis of the TUC record of conference debates is that they have been highly effective. The framing described earlier:

- a) legitimized the twin elements of TUC policy, that part-timers should be treated equally on a pro rata basis to full-time employees in all spheres of employment regulation, and
- b) that their status as a particularly vulnerable group required the development of a specific policy to meet their needs.

Thus, in the part-time worker campaigns, change emerged through debate, interpretation and deliberate attempts to evoke emotion in order to make previously discounted interests visible and worthy of pursuit (Heery and Conley 2007). In many ways a similar framing is happening in unions and the TUC with respect to the casualisation of work. Framing is visible in the development of union policy on casual workers, in order to legitimate the interests of these workers and define them as integral to the union constituency. Moreover, it is not difficult to frame an emotional response with respect to casualised work and the resulting injustices experienced by women. The UCU and SIPTU cases above are good examples of the importance of framing and its role in building solidarity.

Framing in relation to the general public and employers is often context specific. It is evident that unions are using different frames in order to gather support from the general public with respect to casualisation (see case study 8 on Camden catering assistants below). While the support of trade unionists for part-time workers was sought through instrumental and solidarity frames, appeals to policy makers were framed in their own language, in terms of the business case and broader social utility (Heery and Conley 2007). Such pragmatic framing was also evident in the unions' use of the diversity discourse with respect to employers by engaging the business case framing (see Kirton and Greene 2006). Ainsworth et al. (2012) also demonstrated the role of discourse in revitalisation strategies available to the union movement and argued that the ability of unions to challenge and shape discourses to their advantage can be a powerful force in the regulation of labour markets and in the shaping of employment relations (p.2510).

Again there are lessons here for the framing of campaigns on organising women casualised workers, not only with respect to the ideas around framing, but with respect to the likely champions of the campaign. An example is the campaign against ‘casualisation’ developed by the education unions, which portrays contract, casual and agency workers not as lacking in solidarity, but as the victims of exploitative action by employers (Conley and Stewart 2008). This element in union discourse provides particular support for a policy of ‘inclusion’, with its stress on removing the relative disadvantage of contingent workers (Heery 2009). Moreover, direct pressure has been exerted by casualised workers themselves, who have emerged as a significant interest group within some unions. This is true of fixed-term workers in education and other public service unions (Conley and Stewart 2008) and freelance workers in journalism and television (Simms and Dean 2014).

The emergence of a new discourse of casualised work has been driven by political change in trade unions of both a direct and indirect kind. Indirect pressure has derived ultimately from the impact of feminist ideas within trade unions, with its challenge to established union policy and practice (Heery 2009). Casualised work is common in heavily feminized sectors such as, retail, care and hospitality and, the particular conditions faced by women outlined in Part One need to be part of the framing campaigns. A further example are catering workers

#### **CASE STUDY 8: Struggle for the London Living Wage for Camden Catering Assistants**

Around 300 catering assistants at 51 Camden Council schools won the London Living Wage of £9.15 from September 2015, following the UNISON campaign which saw Camden Council and school meals’ contractor, Caterlink, come under increasing pressure to end poverty pay. The agreement will mean 232 of the lowest-paid school kitchen workers will be around £1,500 better off. Other staff, including supervisors, will also see their pay increase as a result. How was this achieved?

The catering assistants worked for an outsourced school-meals firm, Caterlink, which was under no contractual obligation from Camden council to pay staff any more than the minimum wage. The women were paid £6.60 per hour, they weren’t in any union and some hadn’t even heard of trade unions. Caterlink also provided school meals to Islington, the borough next door, and Islington Council had insisted all staff get the London living wage, which meant that in schools just a few minutes’ walk away, women doing the same jobs were earning hundreds and in some cases, thousands of pounds, more. Unsurprisingly, the women making school dinners in Camden felt aggrieved.

The women’s campaign began in earnest in 2013 initiated by an informal woman leader, and over the next year the number of women signing up with Unison climbed

from fewer than 25 to well over 100. This was the outcome of hundreds of face-to-face conversations with dinner ladies across the borough, some of whom took convincing that union activism would not jeopardise their jobs. While there is no evidence that Caterlink managers attempted to dissuade the women from joining a union, the fear was still there. Further mobilising strategies included one week's training in how to become shop stewards which was taken by four of the women.

In dealing with the union, Caterlink argued that the contract didn't allow it to pay the London living wage. By early spring 2015, the women had won concessions but not the immediate grant of a living wage. Then came a rally at the Town Hall, at which the staff first banged pots and pans then told councillors how they served roast beef to schoolchildren while feeding their own kids jacket potatoes. A deputation of dinner ladies told the meeting of Camden's councilors in March that their current rate of £6.60 an hour left them struggling to make ends meet. With the general election imminent, the Camden Council and Caterlink agreed to the women's demands. Camden UNISON led the campaign – which was backed by some “continued and tenacious coverage” from the local newspaper, the Camden New Journal.

A Caterlink catering assistant said: “When I worked it out roughly, for me it means my wages go up by about £250 extra a month. It means we'll actually be able to do nice things, rather than worrying all the time about money and bills.”

**FRAMING:** The campaign was framed around social justice, raising public sympathy, getting the media on side to publicise the campaign.<sup>xix</sup>

## On-line campaigns

The internet has created huge opportunities for organising and raising consciousness of inequities in society. Thus, new information and communication technologies facilitate new forms of civic and social engagement, which represents an opportunity for trade unions. Unions are seizing these opportunities with campaigning sites including the TUC's 'Going to Work'.

Workers themselves are also initiating the use of these technologies as a way of managing and resisting some of the work demands put on them. From Bergfeld's experience, he noted that cleaners working for the municipality of Bremen have founded a WhatsApp work group where the workers and their reps keep track of problems on the job and communicate amongst themselves. It allows them to use multi-media messages with photos and videos tracking how dirty the classrooms or buildings are and to demonstrate that it is impossible to clean them in the given time that the employer gives them.

The scope for the use of communication technologies is wide with unions formally engaging with these technologies as a 'top down' approach, but also workers themselves are initiating 'bottom up' strategies to give them more job control. Nevertheless, Panagiotopoulos and Barnett (2015) found that the use varies according to leadership and resources and national context, but argue that through online networking the main narratives of solidarity in times of austerity can become viral, more easily understood and shared by the general public. What is crucial from the union perspective is the ability to ensure that the impact of the technologies is interconnected with different levels of the union organisation and that it is able to harness and mobilise activism from the workplace but also the community.

In this section, we draw on examples from the TUC 'Going to Work' site, the digital campaign network of the TUC.<sup>xx</sup>

1. Unison used online petition tools to campaign for fair pay for care workers. The union was campaigning for HMRC to investigate the illegal underpayment of 22,000 care workers, most of whom were women and on zero-hours or temporary agency contracts. Moreover, such online campaigning raises awareness and gives insight into the experience and costs of caring for the carers. Influence of the community can make an important difference, particularly when there is shock when they learn about the detail of poor conditions, e.g. having to pay for their own travel between sites as well as their own training. From the union organising perspective, it is important that such petitions are associated with the union, in this case, UNISON, so that the role of the union is closely associated in people's minds with the campaign and may encourage a group, recognised as difficult to organise, to think about joining the campaign and the union.
  
2. GMB are also using online organising to support their negotiations to get comparable pay with NHS staff for staff whose work has been contracted out in an NHS hospital. The GMB campaigned for over 250 GMB members engaged by ISS who want the same NHS Agenda for Change terms and conditions, ensuring they get equivalent pay progression with those directly employed by the NHS. ISS workers are currently paid between £7.10 and £7.32 per hour. The lowest of the Agenda for Change rates starts at £7.33, rising to £7.69 in increments. ISS staff also get less in sick pay, maternity and redundancy pay, antisocial hours premium than directly employed staff. Just two days before staff took 5 days strike action, hospital management came back to the table with a new offer, raising pay to parity with the lowest NHS directly employed rate. This would mean a 8.7 per cent pay rise for many of the affected staff Source: TUC Going to Work Campaign. Updated 16 March 2015.



3. The significance of on-line organising is also evident in Unite's work organising mostly immigrant female hotel workers in London. Hotels are notoriously difficult to organise in the UK; yet American unions have had greater success in organising in hotels (Kirton and Healy 2013). Given this gap in sectoral organising, the Unite case study on hotel workers is all the more significant.

#### CASE STUDY 9: Hotel workers

UNITE The Union organises mostly foreign female hotel workers in London. According to their website the campaign was launched in September 2008 and experienced a new surge in August 2014. The campaign aims to win union recognition and establish a city wide agreement on minimum standards in the hotel industry. In order to achieve these goals the union hosts monthly membership meetings, international solidarity, and specific meetings for workers in one hotel. By having weekly drop-in sessions at the union office, they build on the success of relational methods in union organising drives and harness loyalty and solve workers' everyday problems. Innovative tactics include enabling hotel customers to put messages of support into comment boxes at hotels, cafes, restaurants etc.

**Framing:** They frame their campaign around living expenses and the gap between rich and poor in London. Due to the high labour turnover in the hotel industry, the union devised a member pledge. With the pledge workers promise to continue to work and organise within their hotel brand for the next 12 months. This allows the union to have lay member activists who can build a base within a hotel or within the brand. This tactic facilitates that the union builds leadership capacities locally. Again the campaign is framed by injustice and seeks to raise an emotional response among hotel users as well the employer. The Mayor of London is also being petitioned to keep the promises he made to make London a Living Wage City following the 2012 Olympics.

THE UNITE CASE IS: hotels are among the most expensive in the world yet not one of them pays the London Living Wage which is the price of a couple of coffees in the capital city. Room attendants are paid by the number of rooms they clean instead of by the hour. Waiting staff are heavily reliant on customer tips to top up low wages. Bar staff are often on zero hour contracts, not knowing what they earn from week to week. London in the 21st Century is home to the global super rich, but it continues to keep hospitality workers on poverty pay - there must be no place for it in a city as wealthy as London. Unite is now calling for all hospitality workers to be paid the London Living Wage and treated with decency, dignity and respect in the workplace. The workforce deserves nothing less . . . no gimmicks like topping up with tips!

UNITE have used new communications technologies such as a closed Facebook group, an open Facebook page, an E-Mail subscription list, YouTube videos and Polish

section on their website to stay in touch with hotel workers, possible members and supporters.<sup>xxi</sup>

Here again there is an appeal to emotion and to social justice as well as linking to the London Living Wage as a lever for change. Moreover, here we see the link between women and men migrant workers suffering the same casualised working conditions.

Drawing on an American campaign of fast food workers, we can also see how a potentially feminised fragmented workforce might be mobilised to act in a united way and building solidarity; see case study 10 below.

### **CASE STUDY 10: Fast Food Forward**

The campaign has organised fast food strikes in more than 400 American cities and has gained worldwide media attention. The Fight for a \$15 minimum wage and the Fast Food Forward campaign which seeks to organise fast food workers across all chains and franchises is an illuminating example of how a campaign can turn passive supporters, sympathisers and an online community into an offline community of active trade unionists and with a group of supporters. In reality, only about 2 percent of fast-food employees are actually labeled managers, and just below 10 percent are ranked as “supervisors.” Most are “frontline” workers, largely women, who might toil for years in lower-ranked food-preparation positions, with an hourly median wage of about \$9. Even those who move up to frontline supervisory positions typically earn only about \$13 an hour. Gender stratification pervades all levels of the industry, with women concentrated in the lower-ranked occupations and men outnumbering women in frontline supervisor and managerial positions.<sup>xxii</sup>

The Fight for \$15 webpage features a workers’ section ([fightfor15.org/for-workers](http://fightfor15.org/for-workers)) with an initial petition asking workers who support the campaign’s demands to leave their name, E-Mail address, Zip Code and mobile number. It also features a tick box which reads “I make less than \$15/hr and am worth MORE”. If you tick the box you are asked who your employer is, and whether you support the on-going strikes. This means that the campaign can start to map the individual signatories of the petition and gauge the level of support. As a result they have a differentiated picture of their supporters rather than treating them as a homogenous mass.

The website also features instructions and steps how to start a campaign in one’s workplace. Another tactic used by the campaign has been to add workers who have joined the Fight for \$15 Facebook Page with a person’s account. This allows the campaign to contact workers by messaging and even have online one-to-one conversations which seek to build a movement on the streets and the workplaces.<sup>xxiii</sup>

The relational aspect of organising is quite clear in the above case, as well as providing the means to build activism and mobilisation in the context of injustice. The use of online communication technologies opens up new opportunities but also provides important challenges for organising. A critical question is how are online communities turned into offline communities which form the basis of solidarity groups with workers, trade union officials and supporters/sympathisers?

## CONCLUSIONS

It is clear from Part One of the report that the organisation of women casualised workers is a priority. It is of considerable concern that workers are expected to work for low pay and in insecure and unpredictable contexts. There seems little difference between some whom it might be expected to be protected by their high qualification levels and those who have few qualifications. Importantly, the issue of exploitation of casualised workers is hitting young people hard. It is a frightening prospect that young workers may begin to see these insecure conditions as 'normal' and not understand the battles that have been fought over time to improve terms and conditions that are now being swept away as employers constantly drive down the costs at the expense of the worker.

The report shows that women are disproportionately suffering the effects of increasing casualisation. Union organising needs to recognise the particular conditions under which women work and the consequences for them and their families of high levels of insecurity, which is greater than for men. Women casualised workers should have the same rights to family friendly policies, to equal pay, to challenge sex discrimination and to better enforcement of the national minimum wage and its successor the National Living Wage. However, it would be far more beneficial if cost of living were taken into account in the calculation of a living wage as is the case of the UK or London Living. Tribunal fees are shown to act as a major deterrent for seeking justice in the workplace and particular groups of women, for example those experiencing pregnancy discrimination, have been found to be particularly disadvantaged by the fees. Further employment reforms are proposed through the 2015 Trade Union Bill. In this Bill, agency workers will be allowed to substitute for workers on strike. If this Bill becomes law, not will it be an assault on workers' human rights, it will put casualised workers in an unacceptable situation.

The report has shown that where there is greater awareness of the poor conditions suffered by casualised workers, the more that society as well as workers will react against unfair working conditions. The work that women are most likely to undertake is also work that is likely to elicit greater societal support, for example care work, but it is also the work that is likely to be taken most for granted and to be least well remunerated.

From the union perspective there is much to be done. What this report suggests is that there is not one way but a number of different ways to respond to the organising challenges presented by the increasing number of casualised women workers and that different methods work in different circumstances.

The report has highlighted the importance of the increased gender democracy in unions and argues that gender democracy is important in the push for highlighting

the negative impact of women's casualised work. However it is also clear that there is still some way to go to ensure women's representation and voice in unions (Kirtan 2014). However, the increasing internal union democracy and the involvement of women committed to women's voice in unions has had an important effect and has influenced campaigns. While we have noted few organising campaigns targeted specifically at women, it is clear that a number of campaigns are now focused on groups of workers who are predominantly women and who may have been considered too hard to organise in the past; home care workers are an important example. The key role of women in the unions is clearly important in these decisions as well as the increasing importance of women to the union. Underpinning the importance of women's active role in unions lies the need for unions to be more inclusive and participative valuing women's role beyond the instrumental.

The studies mentioned in this report often, influenced by mobilisation theory, confirm the importance of building a strong activist base but also to recognise the role of leaders, whether union officials or workplace leaders in supporting and enabling campaigns to be adopted. The framing of campaigns, i.e. the way that campaigns are promoted and argued was particularly important, and engaging the public imagination and emotion is a crucial aspect of some campaigns. In turn, the above cases facilitate new types of solidarity – i.e. solidarity between users of services and providers.

A further point that emerges is the importance of building coalitions. Coalitions might be with community organisations, campaigning groups and local authorities, immigrant groups and workers generally as well as the communities in which they live. Unions have an important role to play in coalitions as they often command the most financial and organisational resources. Coalition building doesn't simply mean getting support from other organisations but thinking how it can expand unions' influence, engage new people and create social and political bonds, beyond the purely instrumental.

In many of the academic studies on organising referred to in this report, women are invisible. Workers often have similar but also different needs and the inability to effectively analyse women's part in these campaigns and how the campaigns affect women and men workers differently remains a challenge. Moreover, the invisibility of the nature of employment contracts (whether permanent or casualised) in many of the organising campaigns is another common theme and again limits the level of analysis.

It is clear that to improve the position of casualised women workers, campaigns need to operate at the national government level, local government, employers, workplaces and engage the media. Involvement of communities emerges as important, particularly with respect to those jobs where there is an intimate relationship with community members. It is also the case that local authorities have the potential to play a role in using their statutory powers to make, for example, the

UK Living Wage a condition of planning permission. Local authorities and other public bodies may also use their leverage in the responsible procurement of services to ensure compliance with fair and decent work standards. Employers are a critical stumbling block in any union organising campaign; the role of framing and benefits to the employer is a further campaigning strategy as well as the naming and shaming of poor employers.

Reviews of organising have not on the whole focused on women. Organising campaigns tend to be more generic even where the targeted workforce is mainly female. Despite fears to the contrary, by focusing on the needs of particular groups may build union solidarity rather than weaken it. The barely visible inclusion of women in the majority of studies on organising coupled with the different effects of casualisation on women makes a strong case for greater attention to women's casualisation and its associated conditions including pay, working conditions, predictability and other gendered effects.

The report has highlighted a number of challenges which operate at three levels, that is, internal to the union, union relations with employers and with the state and society.

## **The challenges presented by the increased casualisation of women's work:**

### **Internal union challenges**

Unions face the challenges of:

- Ensuring that unions' internal structures are fully supportive of gender equality strategies and are prepared to develop these in the context of casualised work and workers.
- The importance of building a leadership base at different levels in the union which is fully aware of the injustices faced by casualised women workers and is committed to policies of inclusion, engagement and transformation of casualisation.
- The mobilising of activists by framing campaigns to elicit the recognition of injustice and the engagement of an emotional response to the unequal position of casual workers.
- Recognising that unions need to campaign for women, not just as workers but as members of society who have concerns with respect to positive flexibility, childcare costs, sick leave and predictable hours, concerns that may also impact on men.
- Ensuring that campaigns are properly resourced at all levels in the unions.

- Reviewing the equality structures in place asking if they are adequate to the challenge that new forms of casualised work presents.
- Introduce casualisation committees and casualisation reps where appropriate and link these to, for example, the women's structures, race equality and other diversity structures in the union so that intersectional experiences are evident.
- Seeking opportunities to bring women in casualised work together through conferences and gatherings so that they can share and voice their concerns and build a collective identity as women workers.
- Recognising the common interests and building solidarity between those on permanent and those on casualised contracts in the same workplaces.
- Involving men in the campaigns to support improved terms and conditions for casualised women workers.
- Demonstrate the value of union joining for casualised women workers.
- Ensure that internal union departments also embrace the concerns of women casualised workers and work with equality departments to stem the growth of casualised workers.

### **Union relations with employers**

Unions face a number of challenges with respect to employer treatment of casualised women workers; in particular unions need to:

- Frame and publicise campaigns to enable employers to recognise the benefits for them of employing people on permanent contracts.
- Support the introduction of fair work charters which promote employers who pay a UK or London Living Wage and operate fair working practices.
- Negotiate with employers the reduction of the proportion of workers they have on casualised contracts by including targets in negotiating packages.
- Influence employers to adopt responsible procurement strategies and contract compliance with fair working practices.
- Negotiate with employers on equality of rights for casualised women workers with respect to a) more job security for temporary and short hours workers, b) the same rights for women casualised workers as other workers, including family friendly rights, and c) better enforcement of minimum standards for low-paid and vulnerable workers.
- Negotiate to prevent the use of casual work contracts except in the most exceptional of circumstances.
- Shame those employers who avoid their responsibilities as providers of fair pay and decent work.

### **Union relations with state and society**

Union challenges relate to the promotion of the importance of social justice in the work place in a number of ways:

- Using community and relational organising to engage and involve society in the injustice of low pay and poor working conditions on people's lives as users of public services.
- Publicise examples of contractual abuse as a way of engaging community commitment to change.
- Raising awareness of the rights of women casualised workers so that these workers understand when abusive practices are introduced.
- Harnessing political power and political allies in the struggle to prevent poor working practices.
- Challenging the legitimacy of putting people into jobs with second-class conditions.
- Campaigning for a welfare system that does not underpin employers' low pay and which does not penalise women workers' rights to benefits.
- Campaign to make the Swedish derogation agreements unlawful.
- Continue campaigns to reinstate no fees for access to employment tribunals.
- Campaign for equality of rights for casualised women workers with respect to more job security for temporary and short hours workers and the same rights, including family friendly rights, as other workers and better enforcement of minimum standards for low-paid and vulnerable workers.
- Encouraging local authorities to use their statutory powers, including granting of planning permission for businesses subject to the payment of the UK and London living wage and fair working conditions.
- Turning online communities into offline communities which form the basis of solidarity groups, with workers, trade union officials and supporters/sympathisers.
- Involving the media in campaigning for fair pay and decent work for women casual workers.
- Campaign to bring the National Living Wage (NLW) (the rebranded National Minimum Wage) up to the level of the Living Wage set by the Living Wage Foundation and campaign for the NLW to apply to people under 25.



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**Table A1:EMP07 Temporary Employees (all including part-time) October 2012 – December 2014**

	All temporary employees						Part-time temporary employees					
	All <sup>2</sup>	Fixed period contra ct	Agency temping	Casua l work	Seasonal work	Othe r	All <sup>2</sup>	Fixed period contract	Agency temping	Casual work	Season al work	Other
<b>People</b>												
Oct-Dec 2012	1,688	737	315	353	95	187	830	271	83	302	67	107
Oct-Dec 2013	1,657	698	302	345	101	210	809	246	88	298	63	114
Jan-Mar 2014	1,606	689	317	326	50	223	797	246	95	285	39	132
Apr-Jun 2014	1,633	701	313	330	77	211	808	245	83	303	56	120
Jul-Sep 2014	1,739	715	331	380	115	197	829	223	93	335	69	109
<b>Oct-Dec 2014</b>	<b>1,745</b>	<b>714</b>	<b>328</b>	<b>352</b>	<b>140</b>	<b>208</b>	<b>874</b>	<b>236</b>	<b>100</b>	<b>315</b>	<b>105</b>	<b>118</b>
<i>Change on year</i>	<i>88</i>	<i>16</i>	<i>25</i>	<i>7</i>	<i>39</i>	<i>-2</i>	<i>65</i>	<i>-10</i>	<i>12</i>	<i>17</i>	<i>42</i>	<i>4</i>
<i>Change %</i>	<i>5.3</i>	<i>2.3</i>	<i>8.4</i>	<i>2.2</i>	<i>38.4</i>	<i>-0.7</i>	<i>8.0</i>	<i>-4.0</i>	<i>13.6</i>	<i>5.9</i>	<i>66.2</i>	<i>3.8</i>
<b>Men</b>												
Oct-Dec 2012	806	329	186	158	53	79	310	85	32	125	33	35
Oct-Dec 2013	792	312	181	148	50	101	307	71	42	117	25	51
Jan-Mar 2014	747	300	180	146	24	96	289	65	38	119	17	49
Apr-Jun 2014	753	305	178	129	45	95	283	63	33	110	31	46
Jul-Sep 2014	830	322	181	173	64	91	311	60	36	142	32	40
<b>Oct-Dec 2014</b>	<b>839</b>	<b>318</b>	<b>187</b>	<b>159</b>	<b>73</b>	<b>102</b>	<b>326</b>	<b>61</b>	<b>37</b>	<b>131</b>	<b>46</b>	<b>52</b>

<i>Change on year</i>	48	7	6	11	23	2	19	-10	-5	14	20	0
<i>Change %</i>	6.0	2.1	3.4	7.3	47.0	1.7	6.1	-14.6	-11.4	12.0	80.9	0.4

### Women

Oct-Dec 2012	883	408	129	195	42	109	520	186	51	177	33	72
Oct-Dec 2013	865	386	121	197	52	109	502	174	46	181	38	63
Jan-Mar 2014	859	388	138	180	26	126	509	181	58	166	22	82
Apr-Jun 2014	880	396	135	201	32	115	525	182	50	194	25	75
Jul-Sep 2014	909	394	150	207	51	106	519	163	57	193	37	69
<b>Oct-Dec 2014</b>	<b>905</b>	<b>395</b>	<b>140</b>	<b>194</b>	<b>68</b>	<b>106</b>	<b>548</b>	<b>175</b>	<b>63</b>	<b>184</b>	<b>59</b>	<b>67</b>
<i>Change on year</i>	40	9	19	-3	16	-3	46	1	17	3	21	4
<i>Change %</i>	4.6	2.4	15.9	-1.7	30.3	-3.0	9.2	0.4	36.3	1.9	56.5	6.7

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Source: Labour Force Survey February 2015

## ENDNOTES

<sup>i</sup> The research was commissioned by the Labour Party

<sup>ii</sup> The data for the proportion of temporary employees in non-permanent working arrangements is drawn from analysis of the Office for National Statistics (ONS) Quarterly Labour Force Survey (QLFS), March 2015.

<sup>iii</sup> Living on the Margins: Black workers and casualisation (2014)

<https://www.tuc.org.uk/sites/default/files/LivingontheMargins.pdf> accessed 20 October 2015.

<sup>iv</sup> The LFS is explicit about the limitations of their survey with respect to the zero-hours contracts: 'As part of the survey the LFS asks people in employment if their job has flexible working and if so to choose from a list of employment patterns those which best describe their situation. Only those people who select "zero-hours contract" as an option will be included in this analysis. The number of people who are shown as on a zero-hours contract will therefore be affected by whether people know they are on a zero-hours contract and will be affected by how aware they are of the concept. The increased coverage of zero-hours in the latter half of 2013 may have affected the response to this question but this effect cannot be estimated from the available data.' (ONS 2014)

<sup>v</sup> On average, someone on a "zero-hours contract" usually works 25 hours a week compared with 37 hours a week for people not employed on "zero-hours contracts". Just over a third of those employed on a "zero-hours contract" want more hours, with most wanting them in their current job. This is somewhat greater than for people not employed on a "zero-hours contract" ONS 2014, Analysis of Employee Contracts that do not Guarantee a Minimum Number of Hours /[/mac/contracts-with-no-guaranteed-hours/zero-hours-contracts/art-zero-hours.html](http://mac/contracts-with-no-guaranteed-hours/zero-hours-contracts/art-zero-hours.html)

<sup>vi</sup> June 2014 <https://www.gov.uk/government/news/government-crackdown-on-zero-hours-contract-abusers>, accessed 20 October 2015.

<sup>vii</sup> Butler, Sarah, 'Tories Legislation to protect zero-hours workers called 'toothless' by lawyers, Guardian 26 May, <http://www.theguardian.com/uk-news/2015/may/26/conservatives-zero-hours-contracts-small-business-act-david-cameron-toothless>, accessed 20 October 2016.

<sup>viii</sup> <http://www.theguardian.com/uk-news/2015/sep/15/national-living-wage-resolution-foundation-plays-down-fears-over-cost>, accessed 15 October 2015.

<sup>ix</sup> The gap between male FT and female PT, using FT and PT median hourly wages for men and women), the gap is 38.8 per cent  $= (13.73 - 8.4) / 13.73$ . Thanks to Professor Pedro Martins, Professor of Economics, Queen Mary University of London for providing this figure.

<sup>x</sup> ONS 2014, Annual Survey of Hours, [http://www.ons.gov.uk/ons/dcp171778\\_385428.pdf](http://www.ons.gov.uk/ons/dcp171778_385428.pdf)

<sup>xi</sup> Equality and Human Rights Commission (2015) *Pregnancy and Maternity Discrimination and Disadvantage: First Findings* Available at [http://www.equalityhumanrights.com/sites/default/files/publication\\_pdf/pregnancy-and-maternity-related-discrimination-and-disadvantage.pdf](http://www.equalityhumanrights.com/sites/default/files/publication_pdf/pregnancy-and-maternity-related-discrimination-and-disadvantage.pdf)

<sup>xii</sup> TUC 2015 *In parts of Britain half of jobs pay less than the living wage* <http://www.tuc.org.uk/node/122237> Accessed 23 February 2015.

<sup>xiii</sup> An employer must give employees a 'written statement of employment particulars' if their employment contract lasts at least a month or more. The employer must provide the written statement within 2 months of the start of employment. A written statement can be made up of more than one document (if the employer gives employees different sections of their statement at different times). If this does happen, one of the documents (called the 'principal statement') must include at least: the business's name

- the employee's name, job title or a description of work and start date
- if a previous job counts towards a period of continuous employment, the date the period started
- how much and how often an employee will get paid
- hours of work (and if employees will have to work [Sundays](#), [nights](#) or [overtime](#))
- [holiday entitlement](#) (and if that includes public holidays)
- where an employee will be working and whether they might have to [relocate](#)
- if an employee works in different places, where these will be and what the employer's address is.

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As well as the principal statement, a written statement must also contain information about:

- how long a temporary job is expected to last
- the end date of a fixed-term contract
- notice periods
- collective agreements
- pensions
- who to go to with a grievance
- how to complain about how a grievance is handled
- how to complain about a disciplinary or dismissal decision

<sup>xiv</sup> Heery (2009) uses the term 'contingent' rather than casualised in his 2009 article. He uses the term to include directly employed temporary workers, agency staff supplied by a labour market intermediary and free-lance self-employed. For the purposes of this report, we have substituted the 'casualised' for contingent for consistency of terminology.

<sup>xv</sup> <https://www.unison.org.uk/news/article/2015/10/unison-welcomes-dignity-and-respect-campaign-for-cleaners/> accessed 20 October 2015.

<sup>xvi</sup> <https://campaign.goingtowork.org.uk/petitions/picturehouse-cinemas-pay-your-staff-a-living-wage> accessed 6 January 2015.

<sup>xvii</sup> A4E (who describe themselves as a 'for-profit company with a social purpose) informed the Panel that of the then 13,771 vacancies on Merseyside, 48 per cent or approximately 6,600 were agency jobs. In Liverpool there were 6,553 current vacancies of which 52 per cent or approximately 3,400 were agency jobs. Most of these jobs were paid the minimum wage.

<sup>xviii</sup> ACAS spelt out the meaning of the Swedish derogation in 2013: 'An employment tribunal recently found in favour of an employer in a dispute concerning the 'Swedish derogation' in the Agency Workers Regulations (AWR). It was one of the first judgements in this area of employment law. As it could still go to appeal, it may be premature to draw firm conclusions, but it may be timely to ask, what is Swedish derogation and how does it affect the AWR? The AWR entitle agency workers to get the same basic pay and conditions as comparable employees after a 12-week qualifying period. The Swedish derogation - so called because it was introduced into the regulations at the request of the Swedish government - provides an exemption from this as far as pay is concerned; it does not affect agency workers' entitlements to other provisions under the regulations such as annual leave after 12 weeks, 'day-one' rights and rest breaks. For it to come into play, the temporary work agency (TWA) offers an agency worker a permanent contract of employment and pays the worker between assignments. It has to be made clear to the worker that entering into the contract means giving up the entitlement to equal pay. A 'zero-hours' contract does not count as a derogation contract.

There are rules about how much and for how long the TWA must pay workers. It must be at least half of pay received on assignment based on the highest rate during previous 12 weeks; it can't be below the National Minimum Wage. The payment between assignments must last for at least four weeks before the contract can be terminated. The point of the AWR is to improve pay and conditions of agency workers. The Swedish derogation is only allowed because of the pay that is received by a worker between assignments. If employers or agencies take measures to deprive workers of this pay, it could put them at risk of a legal challenge.' <http://www.acas.org.uk/?articleid=4162> accessed October 2015.

<sup>xix</sup> Posted 12 June 2015 [https://www.unison.org.uk/news/article/2015/06/school-dinner-ladies-win-a-living-wage/accessed\\_14\\_October\\_2015](https://www.unison.org.uk/news/article/2015/06/school-dinner-ladies-win-a-living-wage/accessed_14_October_2015)

<http://www.theguardian.com/commentisfree/2015/sep/07/camden-school-dinner-ladies-fight-fair-pay-living-wage> accessed 14 October 2015

<sup>xx</sup> <http://goingtowork.org.uk/>

<sup>xxi</sup> <http://www.unitetheunion.org/campaigning/hotel-workers-deserve-a-living-wage/accessed> 14 October 2015.

<sup>xxii</sup> <http://msmagazine.com/blog/2015/03/28/fed-up-women-fast-food-workers-fight-back/>

<sup>xxiii</sup> Source: <https://fightfor15.org/for-workers/> accessed March 2015.