



CASUAL WORK

A global research agenda

ESRC/GCRF STRATEGIC NETWORK ON LEGAL REGULATION OF UNACCEPTABLE FORMS OF WORK

Unacceptable work: global dialogue / local innovation

The **UN International Labour Organization (ILO)** has called for workers around the world to be protected from **unacceptable forms of work (UFW)**: jobs that “deny fundamental principles and rights at work, put at risk the lives, health, freedom, human dignity and security of workers or keep households in conditions of extreme poverty”¹ This ILO policy agenda responds to the growth in insecure and low paid labour across the global work force. Sustaining productive and protected working lives is among the most pressing challenges of the early twenty-first century. The urgency of this objective was recently confirmed by the inclusion of the Decent Work objective among the **UN Sustainable Development Goals (SDG8)**.²



The Strategic Network identifies and responds to Global Regulatory Challenges: the most urgent and complex issues that face lower-income countries in upgrading or eliminating UFW.



Effective labour regulation is crucial to securing decent work. Yet the regulatory strategies that can eliminate unacceptable work – most urgently in lower-income countries - have yet to be identified.³ **The ESRC/GCRF Strategic Network on Legal Regulation of Unacceptable Forms of Work** responds to this urgent need by supporting a dialogue on UFW regulation.

The Network has brought together a **team of researchers and policy-makers from a range of disciplines and from the global North and South**. Network Teams were assembled that are focused on identifying and responding to Global Regulatory Challenges: the most urgent and complex issues that face lower-income countries in upgrading or eliminating UFW. A set of Challenges have been identified and **Research Agendas** developed to investigate each Challenge through cross-regional comparisons of countries of different income levels.

The global regulatory challenge: decent jobs for casual workers

Over the past two decades, there has been a proliferation of **“nonstandard” forms of employment**. Nonstandard employment is often defined by what it lacks: (a) the absence of effective **regulation of working time and pay**, either through legislation or collective agreements between workers and employers; (b) a shift from stable full-time employment to **insecure, temporary jobs**; and (c) rising **economic insecurity** for workers who do not have the benefit of a range of crucial protections, including unemployment insurance, effective enforcement of labour standards, and the right to organize.

Among the various nonstandard employment relations that are on the rise, **casual forms of work – such as day labor, ‘gig work,’ on-call employment, and zero-hours contracts** – have been especially problematic for workers. These jobs tend to be concentrated in the least secure and lowest-paying occupations, and involve disadvantaged workers (such as recent migrants, racial minorities, and the long-term unemployed).

The spread of casual work is associated with a set of changes that are underway on the demand side of labour markets. As an illustration, over the last two decades the **construction sector** has witnessed a growing reliance on subcontracting in countries across the world. Heightened competition has led many firms to abandon stable employment relationships to reduce labor costs. Within this context, employing **day labourers** has become a key competitive strategy for certain firms.

1. ILO Towards the ILO Centenary: Realities, Renewal and Tripartite Commitment (2013); <http://www.ilo.org/global/topics/dw4sd/theme-by-policy-outcomes/>.
2. <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>
3. See further Judy Fudge and Deirdre McCann Unacceptable forms of work: a global and comparative study (ILO 2015); Deirdre McCann and Judy Fudge 'Unacceptable forms of work: a multidimensional model' (2017) 156(2) *International Labour Review* 147-184.

In the **retail sector** too, employers have been experimenting with staffing models that rely on **zero-hours contracts**, where employees are not guaranteed a minimum number of work hours. They are paid only for the actual hours of work offered by the employer and carried out by the employee. This form of employment transfers risks and uncertainty to the workforce.

In most countries, **legal frameworks** have failed to keep pace with such rapid changes in employment systems. This has created a legal void within which experimentation with employment arrangements has flourished.

Yet although it is clear that there has been a spread of casual work, changes in employment relations remain poorly documented and analyzed. This has contributed to a lag in regulatory responses and a **lack of strong labour protections** for the workforce.

Casual work as a global phenomenon: a research agenda

During 2017, the Strategic Network on Legal Regulation of Unacceptable Forms of Work was funded by the UK Economic and Social Research Council through the Global Challenges Research Fund to design **Research Agendas** on combatting unacceptable work. The purpose of the Research Agendas is to identify the **most effective research strategies** that can (1) illuminate the Global

Regulatory Challenges and (2) identify the most effective legal and policy responses.

This **Research Agenda on Casual Work** outlines a strategy to provide a **global account** of the rise of casual work that also illuminates divergences and similarities in **employer- and worker-strategies** and **state and civil society responses**.

The Strategic Network Team

The Research Agenda has been designed by a **Strategic Network Team** that includes researchers and policy actors from across the world.

To ensure the **interdisciplinary** mix of skills needed to address the complexity of UFW, the researchers were drawn from different academic disciplines.

Local **policy actors** were a core part of the Team, providing advice and guidance on how to achieve innovative regulatory interventions that can offer lessons to the global debates.



RESEARCH OBJECTIVES

The Strategic Network Team identified key objectives for researching the regulation of casual work. These objectives are:

- to **map types of disaggregated work** and assess their prevalence;
- to examine the extent to which **violations of labor standards** occur within each form of casual work;
- to identify and evaluate the **rules that govern casual work**, including legislative instruments and collective agreements negotiated by trade unions and employers; and
- to document the most significant **policy and civil-society responses**.

This research should focus on **low-wage industries**, where employment casualisation has been most intense and where informalisation of employment relations seems to have taken hold, to the detriment of workers holding poorly paid positions.

METHODOLOGY

Effectively analyzing changes in casual work requires a **mixed-methods approach**. This combines worker surveys, in-depth interviews with workers and employers, and assessments of the range of relevant legal regimes. Key elements include:

- **Mapping disaggregated work.** Employment data can be analyzed to develop a typology of casual working arrangements.
- **Employer strategies.** Interviews with employers are crucial to explaining experimentation with casual work, the restructuring of workforce systems, changing competitive dynamics, and the extent to which legal regimes permit or inhibit experimentation with a range of staffing arrangements.

- **Examining the extent of labour law violations.** In-depth interviews with workers can be used to document the extent to which casual work is associated with substandard employment. Surveys using respondent-driven sampling (RDS) have been used by members of the Strategic Network Team to measure the prevalence of labour law violations in casual work.⁴ In this approach, subjects are recruited through workers' social networks, making it possible to access hidden populations that may be missed through other methods.
- **Documenting policy and civil-society responses.** Interviews should be conducted with workers' rights organizations, policy think tanks, labour unions, and government enforcement agencies. The objective is to assess the viability and potential effectiveness of policy reform proposals and of labor market interventions by NGOs.

The **policy dimensions** of this Research Agenda include:

- to provide a **framework for conceptualizing varieties of casual work** to support public policies and legal strategies that reduce labour law violations and poor quality employment; and
- to inform the development of **civil-society responses** to problems in low-wage, casualising industries, such as the development of workers' rights organizations, strategies for collective bargaining where unionization does not appear to be feasible, and advocacy for a floor of minimum wages and working conditions.

4. Phillip F. Blaauw, Anna M. Pretorius, Christiaan H. Schoeman and Catherina J. Schenck 'Explaining migrant wages: the case of Zimbabwean day labourers in South Africa' (2012) 11(12) International Business & Economics Research Journal 1333-1346; Nik Theodore, Derick Blaauw, Catherina Schenck, Abel Valenzuela Jr., Christie Schoeman, and Edwin Meléndez 'Day labour, informality and vulnerability in the United States and South Africa' (2015) 36(6) International Journal of Manpower 807-823.

An illustration: South Africa, US, El Salvador, Guatemala, Botswana and Namibia

Comparative research on the operation of regulatory frameworks is crucial to combat UFW and to derive global lessons from innovations at the country level. For this reason, the Strategic Network has concluded that future research should involve **comparisons** of countries at a range of income levels and in different regions.

As an illustration, an initial comparison on **casual work** could be conducted between **South Africa** (high unemployment, emerging economy) and the **United States** (low unemployment, advanced economy). Both countries have witnessed an expansion of casual work in the **construction and retail sectors**. Construction firms are able to access underemployed workers at informal hiring sites throughout both countries and employees in the retail sector are increasingly required to be 'on call' and available to work when required.

In both South Africa and the US, **labour law regimes** are ill-suited to the dynamics of casualisation. The result has been the **spread of**

casual work, often causing economic hardships for underemployed workers, immigrants, and the other disadvantaged jobseekers who disproportionately occupy casualized segments of the labor market.

Yet both countries also have vibrant **NGOs** that are engaged in documenting the problems associated with casual work, organizing workers in the construction and retail sectors, and pressing for employment law and labour market reforms.

Building on this initial research, it would be possible to extend into countries and regions in which casual work has yet to be mapped and in which policy responses have so far been neglected. One possibility is to extend into other Southern African settings, such as **Botswana** or **Namibia**, in which a rise in casualised forms of work have been anecdotally noted. A cross-regional comparison with Latin America would also be illuminating, for example in **El Salvador** or **Guatemala**.

Illustration: South Africa, US, El Salvador, Guatemala, Botswana and Namibia

