

Visit of the UN Special Rapporteur on extreme poverty and human rights (5-16 Nov 2018)

Submission by Professor Deirdre McCann, Durham Law School, 14 September 2018

A(5). Could you specify how poverty and extreme poverty in the United Kingdom intersect with economic and social rights issues (such as the right to education or the right to health care)?

To fully understand poverty in the UK it is crucial that the Special Rapporteur take into account the intersection of poverty with labour rights.

The growth of highly casualised jobs in the UK in recent years has subjected an element of the working population to highly variable and unpredictable incomes. These jobs do not provide guaranteed hours or income but instead require individuals to work 'as and when required' (e.g. 'zero hours contracts'). Workers therefore find it difficult to secure a decent income for themselves and their families. They are deprived of the 'just and favourable' conditions of work required by Article 23 of the Universal Declaration of Human Rights.

Zero hours contracts and other highly casualised jobs can be classified in line with the International Labour Organisation's notion of 'unacceptable forms of work' (UFW). A *Multidimensional Model of UFW* has been designed that includes jobs that have insufficient hours (too few to satisfy basic needs) and unpredictable schedules (D McCann and J Fudge 'Unacceptable Forms of Work: A Multidimensional Model' (2017) 156(2) *International Labour Review* 147-184¹). These include 'zero hours contracts' and jobs in which certain working hours (e.g. travel time, 'on-call' hours) are not compensated (see further D McCann 'Travel Time as Working Time: Tyco, the Unitary Model, and the Route to Casualization' (2016) 45(2) *Industrial Law Journal* 244-250²).

It is essential to find new solutions to protect casual workers and to avert the risk of poverty. Current legislative and judicial responses are too limited (D. McCann and J. Fudge 'A Strategic Approach to Regulating Unacceptable Forms of Work' (forthcoming 2018)). More effective interventions would include 'regulated flexibility' mechanisms e.g. the prohibition of casual work in vulnerable sectors/occupations; notice of schedules and overtime; incentives for continuous hours; compensation for short call-out periods; and the requirement that in-shift travel periods be counted as working time (D. McCann and J. Murray, 'Prompting Formalisation Through Labour Market Regulation: A "Framed Flexibility" Model for Domestic Work' (2014) 43 *Industrial Law* 319-348³).

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¹ Available at <https://onlinelibrary.wiley.com/toc/1564913x/156/2>.

² Available at <https://academic.oup.com/ilj/article-abstract/45/2/244/2357244>.

³ Available at <https://academic.oup.com/ilj/article-abstract/43/3/319/693366>.