

# INCREASING JOB SECURITY: THE POTENTIAL IMPACT OF EMPLOYMENT RIGHTS REFORMS IN THE UK

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## ABOUT THE WORK FOUNDATION

The Work Foundation at Lancaster University is a think tank focused on improving working lives across the UK through applied research and new ideas. For over a century, we have worked to break down the barriers individuals and communities face in accessing good work. We believe everyone should have access to secure, rewarding and high-quality work. By engaging directly with workers, employers, policymakers and leading academics, we deliver rigorous applied research to tackle structural inequalities in the labour market and improve working lives across the UK. We are part of Lancaster University's Management School, and work with a range of partners and organisations across our research programmes.

## CITATION

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## TECHNICAL NOTE

The analysis uses April-June 2023 Labour Force Survey (LFS) data to estimate impacts of the Employment Rights Bill. In 2023, the UK Insecure Work Index identified 6.8m workers (21.4%) in severely insecure work, defined by unstable hours, low pay, and limited protections.

We model two measurable reforms:

- reduced waiting periods for unfair dismissal protection
- introduction of guaranteed hours

Employment levels are held constant. April-June 2023 is used as a benchmark as it predates the temporary LFS suspension and aligns with current employment levels.

Estimates are conservative: the Bill introduces wider protections not modelled. Behavioural responses from employers and workers are excluded. Results represent indicative potential impacts on insecure work under 2023 conditions, not forecasts.

## EXECUTIVE SUMMARY

Insecure work is a defining feature of the UK labour market. In 2023, one in five workers (6.8 million people) experienced severely insecure work due to a combination of factors such as unpredictable hours, unstable pay, and limited employment protections.

The Employment Rights Bill represents a landmark opportunity to address this challenge. The Bill, which is likely to receive Royal Assent in the coming months, features a host of significant legislative reforms designed to improve access to secure and high-quality work. However, much of the detail of the Bill is still to be decided by ministers through secondary legislation, codes of practice and statutory instruments as it is rolled out over the next two years. This makes assessing the impact of potential changes for workers, employers and the economy challenging.

This report explores the potential impact of two **key reforms** in the Bill – the introduction of new day one employment rights and zero-hour contract regulation – by analysing recent data on levels of insecure work across the country. Using the UK Insecure Work Index, the report estimates how levels of secure, moderately insecure and severely insecure work in 2023 would have changed had new 'day one' rights, and the introduction of a new right to guaranteed hours been in place. It also provides insights on the potential impact these changes could have had on specific worker groups and sectors.

### The impact of the Employment Rights Bill will depend on critical policy choices

Under the proposals, workers will be better protected from unfair dismissal by shifting the qualifying period from the current two years to 'day one' on the job. However, as it stands, they will still have fewer rights and protections during their probationary period.

The time period that will constitute a reasonable probationary period has yet to be finalised and the chosen timeframe will have a vital impact on potential future job security in the UK labour market. Using the 2023 labour market as a reference point, our analysis shows that a 12-month probation period would have resulted in 700,000 fewer people in insecure work, rising to 1.2 million if ministers instead decided on a six-month period.

For zero-hour contracts, the proposed legislation introduces the right for workers to have a contract that reflects the number of hours they usually work for their employer, based on a reference period. The length of this reference period remains subject to consultation but is likely to be around 12 weeks.<sup>1</sup> Should this proposed reference period be extended, or if the responsibility is shifted towards workers themselves needing to request guaranteed hours, it would similarly risk reducing the number of people the reforms could benefit.

### A six-month probation period could see nearly four million workers access secure work

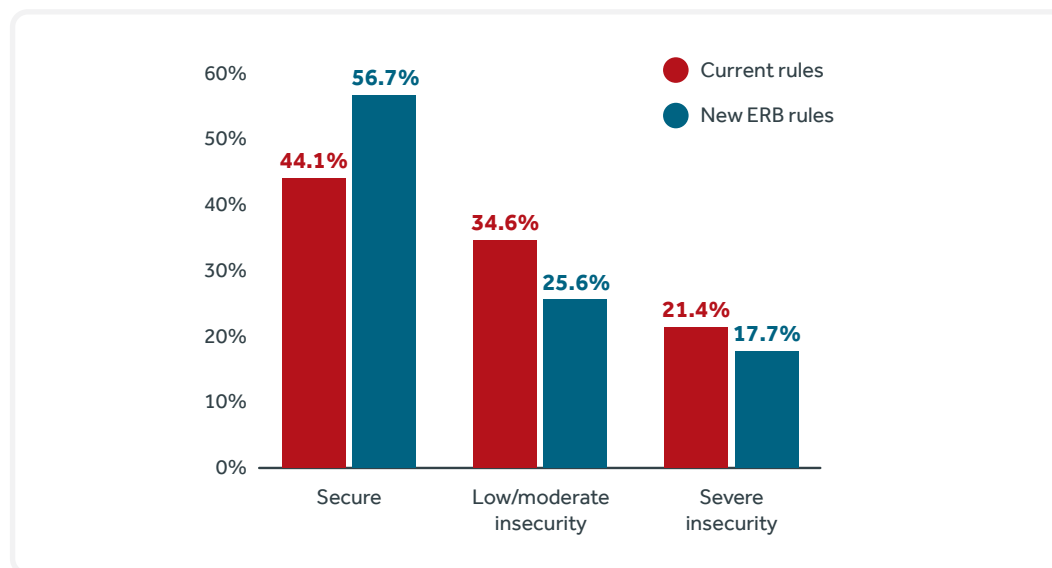
The analysis indicates that, holding employment levels constant, there would have been a significant improvement in job quality had the introduction of day one employment rights with a probation period of six months and the right to guaranteed hours after 12 weeks on zero-hour contracts been in place in 2023. It shows:

- The number of people in severely insecure work would have fallen by 1.2 million, from 6.8 million (21.4%) to 5.6 million (17.7%) – a 3.7 percentage point reduction
- The proportion of workers in moderately insecure work would have dropped from 34.6% to 25.6%, falling by 2.9 million
- Most notably, the proportion of the UK workforce in secure jobs would have risen sharply — by 12.6 percentage points, from 44.1% (13.9 million workers) to 56.7% (17.8 million workers).

In total, this suggests that **3.85 million more workers** could have accessed secure employment had this new legislative framework been in place in 2023.

<sup>1</sup> Amendments were introduced in the House of Lords in July 2025 seeking to extend this to 26 weeks, or six months. Others proposed to shift the onus from employers being required to offer guaranteed hours towards employees having to request this. UK Parliament website (24 July 2025). Lords votes for changes to Employment Rights Bill. <https://www.parliament.uk/business/news/2025/july/employment-rights-bill-house-of-lords-report-stage/#:~:text=for%20agency%20workers,-Votes,-There%20were%C2%A0>

**Figure 1: Estimated reduction in insecurity in 2023 had major changes from the Employment Rights Bill been in place at the time**



Source: Work Foundation calculations using ONS Labour Force Survey microdata, 2023 April-June.

### Key reforms could benefit workers in disadvantaged groups and insecure work sectors

Previous Work Foundation research has shown that the experience of insecure work is felt unequally across different worker groups and sectors. The analysis in this report suggests that if these two **key reforms** had been in place in 2023, there would have been larger than average falls in the levels of severely insecure work amongst some of the most vulnerable parts of the workforce:

- Severely insecure work would have been reduced by 8.3 percentage points for young workers aged 16-24, down to 38.3%
- Black and Asian workers would have seen reductions of 4.6 and 4.5 percentage points respectively
- Women and disabled workers could see reductions in severely insecure work by 4.8 and 4.7 percentage points respectively.

In addition, sectors where severely insecure work is prevalent stand to be significantly impacted by the key reforms in the Employment Rights Bill. These are sectors where low pay, zero-hour contracts and temporary jobs are more likely to occur than in other sectors:

- In retail, severely insecure work rate would have been 6.4 percentage points lower, dropping from 45.3% to 38.9%; resulting in 160,000 workers moving to low/moderate insecurity and an additional 150,000 retail workers experiencing secure employment
- In social care, severely insecure work would drop by 11.5 percentage points, from 32% to 20.5%. The proportion of workers experiencing secure work would rise by 11 percentage points, from 30.8% to 41.8%.

## Recommendations

Overall, these findings provide further evidence that the Employment Rights Bill has the potential to significantly improve access to secure work in the UK. But it also highlights the need for strong legislative design, robust enforcement, and wider sectoral reform to fully realise its benefits. In order to do so, this report recommends that Government must:

### 1. Ensure the potential of the Employment Rights Bill is maximised and safeguard the core purpose of the reforms in primary and secondary legislation, and:

- Reject any proposed amendments that seek to dilute the new protections in the Bill
- Guarantee the core purpose of key reforms are not diluted in the drafting of secondary legislation
- Ensure the implementation of the ban of zero-hour contracts minimises the risk of enabling loopholes that allow employers to maintain precarious employment practices
- Make sure that extended protections from unfair dismissal are not diluted by excessive probation periods
- Ensure the extension of flexible working rights prompts employers to proactively evaluate all roles for potential flexibility, supported by statutory guidance, to help limit refusals.

### 2. Allow for a smooth transition for employers and workers as the Employment Rights Bill is implemented, and:

- Ensure robust and representative stakeholder engagement that ensures all voices are heard
- Provide clarity and support to employers to assist with the transition to new regulations.

### 3. Guarantee the Employment Rights Bill is appropriately enforced and its impact is monitored, and:

- Ensure enforcement of new regulations is properly resourced and effectively administered
- Introduce an effective Social Care Negotiating Body to deliver a Fair Pay Agreement for the sector
- Establish a national Secure Work Commission to measure the impact of the Bill's reforms on both workers and employers and recommend future reforms.

## 1. INTRODUCTION

Work insecurity has been a persistent feature of the UK labour market for over two decades. While successive governments have prioritised boosting employment and improving productivity, driving up the quality and security of work has too often been overlooked. As a result, a significant proportion of the UK workforce continues to experience precarious employment with limited access to rights, progression, and stability.

The Government's flagship Employment Rights Bill represents a significant opportunity to reduce labour market insecurity in the UK over the coming years. However, there remain question marks over how effective the proposed measures will be in supporting people into more secure employment, and concerns that the potential benefits of the legislation risk being undermined if regulations are diluted in their implementation.

### What is insecure work and why does it matter?

Research by the Work Foundation has consistently shown that insecure work – characterised by unpredictable hours, low pay, limited autonomy, and a lack of access to employment rights – has remained stubbornly high for two decades. In 2023, our analysis found that over one in five UK workers (21.4%) – around 6.8 million people – were in severely insecure work.<sup>1</sup> This included those on zero-hour contracts, in temporary agency roles, and in low-paid self-employment.

While recent headline employment figures have remained relatively strong by historical standards, they risk masking a labour market where too many jobs fail to provide workers' with the foundation for financial resilience, career progression or wellbeing.

Critically, the likelihood of being in insecure work increases significantly for those facing wider structural disadvantage in the labour market. Women (28%), young workers aged 16-24 (46.6%), workers from ethnic minority backgrounds (28.6% of Black workers, 24.7% of Asian workers), and disabled workers (27.8%) are all disproportionately represented in the most precarious forms of employment.<sup>2</sup>

For example, women are more likely to be underemployed in part-time and low-paid roles without access to key protections, while disabled workers often face barriers to accessing secure, sustainable work that matches their skills. The impact of insecure work on workers mental health, finances, and long-term employment outcomes is well documented – and may have deepened in the face of recent economic shocks, including the cost-of-living crisis and the uneven recovery from the Covid-19 pandemic.

### The Employment Rights Bill

Recognising this, the Government has committed to substantial reform of worker rights during the current Parliament, introducing flagship legislation in the shape of the Employment Rights Bill.

The Bill contains a package of reforms aimed at improving job security, access to rights, and working conditions across the UK. Key measures include:

- limiting 'exploitative' zero-hour contracts, ensuring workers are offered a minimum number of guaranteed hours reflective of their actual working patterns;
- the introduction of new 'day one' employment rights for all workers, granting immediate access to rights and protections such as flexible working, sick pay, parental leave, and protection from unfair dismissal; and,
- enhanced enforcement powers for labour market regulators, including greater resources for HMRC and the Fair Work Agency, a new combined enforcement body, to ensure compliance with employment law.

## The Employment Rights Bill (ERB)<sup>5</sup>

The Bill contains a range of reforms to modernise and strengthen employment rights in the UK, through:

### Addressing one-sided flexibility

- By limiting exploitative zero-hour contracts, with corresponding rights for agency workers
- Ending 'fire and rehire' and 'fire and replace' practices
- Making unfair dismissal a day one right
- Strengthening collective redundancy rights.

### Ensuring workers receive fair pay

- By making Statutory Sick Pay available from day one and removing the lower earnings limit
- Reinstating the School Support Staff Negotiating Body
- Establishing Fair Pay Agreements in the social care sector
- Re-introducing the two-tier code to ensure comparable terms and conditions for public and outsourced private sector workers in public sector contracts.

### Promoting family friendly rights

- By making Paternity Leave and Unpaid Parental Leave a day one right
- Introducing a new right to bereavement leave
- Creating new protections against dismissal for pregnant women and new mothers.

### Prioritising fairness, equality and wellbeing of workers

- By strengthening employer duties to prevent sexual harassment of employees
- Strengthening whistleblowing protections.

### Modernising trade union legislation

- By repealing the Strikes (Minimum Service Levels) Act 2023 and the majority of the Trade Union Act 2016
- Introducing a 12-month mandate and 10-day notice period for industrial action
- Strengthening trade unions rights of access, protections for union representatives, and employer duties relating to union activities
- Simplifying the union recognition process and information required for industrial action.

### Improving enforcement of employment rights

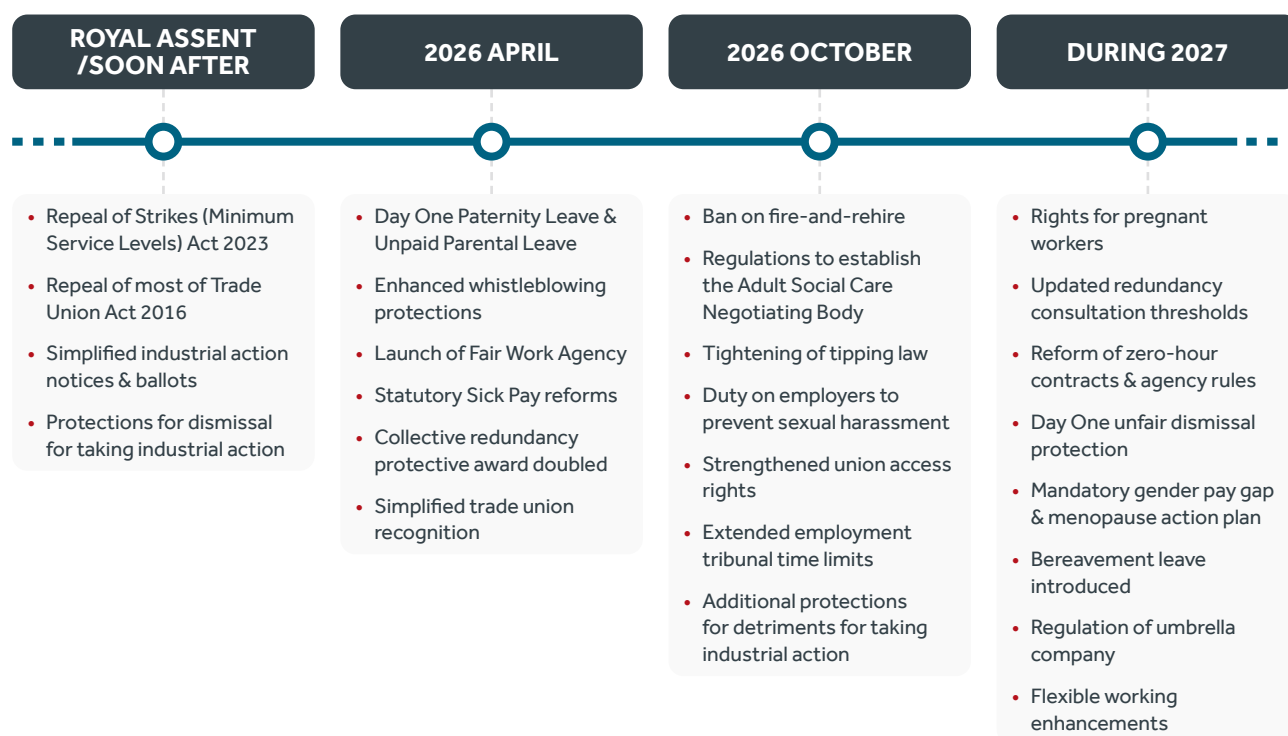
- By establishing the Fair Work Agency, a new single enforcement body for workers' rights.

*An exhaustive list of measures contained within the Employment Rights Bill can be found in the Government's Make Work Pay policy paper, available at: <https://www.gov.uk/government/publications/next-steps-to-make-work-pay/next-steps-to-make-work-pay-web-accessible-version>*



In anticipation of the legislation receiving Royal Assent, the Government published a two-year implementation roadmap in July 2025. This roadmap outlines the staging and sequencing of new regulations, where some, such as repealing the Trade Union Act (2016) and the Strikes Act (2023) will take place immediately following Royal Assent, but others will be subject to further consultation and longer lead in times – such as a day one right to flexible working.

Figure 2: Phased implementation timeline of the Employment Rights Bill<sup>4</sup>



The reform of 'exploitative' zero-hour contracts is due to come into effect during 2027. But the recent pushback in the House of Lords highlights the risk these measures could yet be diluted, with a shift of onus from employers being required to offer guaranteed hours towards employees requesting them.<sup>5</sup> A dilution of this nature would bring the policy closer to the Workers (Predictable Terms and Conditions) Act 2023 which was passed by the previous Conservative Government and was set to take effect in autumn 2025 but was shelved by the current Government in favour of the Employment Rights Bill. Whilst the latter is more ambitious and far reaching, workers now face a longer wait for the security of a guaranteed-hours contract.

### Understanding the potential impacts of new regulations

Whilst implementation will be staggered, the proposed reforms represent a potentially transformative moment for millions of low paid and precarious workers. However, much of the detail of the individual elements of the Bill will be decided by ministers through secondary legislation, codes of practice and statutory instruments as they are rolled out over the next two years during the implementation phase. This makes assessing the impact of such sweeping changes for workers, employers and the economy highly challenging.

While it is possible to estimate the potential strengthening of security offered by some of the proposed changes, much depends on the specific drafting of regulations. For example, the success of a ban on 'exploitative' zero-hour contracts and introduction of day one employment rights will depend on how employers themselves respond to these reforms, worker's ability to exercise their new rights, and the efficacy of efforts to enforce them.

For other measures, such as the day one right to flexible working and improved sick pay, the impact on levels of insecurity in the UK labour market is likely to be less direct and harder to measure.

There are also concerns among some employers that the ban on 'exploitative' zero-hour contracts and introduction of day one rights could reduce operational flexibility and increase employment costs. Small businesses and those in sectors that make use of demand-driven or seasonal labour like hospitality, care, and retail have raised serious concerns.<sup>6</sup> Most significantly, some business groups have warned that the Bill could discourage hiring or even lead to job losses, particularly if employers respond to the reforms by reducing headcount or automating roles to reduce the risk of higher staffing costs. Some suggest this is a significant risk, as employers have already faced the challenge of responding to higher National Insurance rates and increased National Living Wage and National Minimum Wage during this Parliament.

However, this concern is not borne out by economic analysis undertaken to date.<sup>7</sup> Whilst estimates indicate there will be some transitional costs for businesses, they suggest there will be long term gains for society and the economy as we move to a labour market that provides more secure incomes.<sup>8</sup>

### Maximising the potential of the Employment Rights Bill

In this context, this report aims to contribute further to the evidence base regarding the extent to which the Employment Rights Bill can improve access to secure employment, and reduce levels of severe insecurity in the UK labour market.

Specifically, it seeks to:

- **Assess the potential impact** of the ban on 'exploitative' zero-hour contracts and the introduction of day one rights on the prevalence of secure and insecure work in the UK – and on the groups most likely to be affected by these changes
- **Explore the potential impact** these reforms could have on specific sectors where insecure work is concentrated – in particular in retail and social care
- **Provide recommendations to Government** for how the potential of the Employment Rights Bill can be maximised, and the risks associated with implementation be mitigated.

## 2. DEFINITION OF INSECURE WORK

The Work Foundation defines insecure work through a single holistic measure which combines:

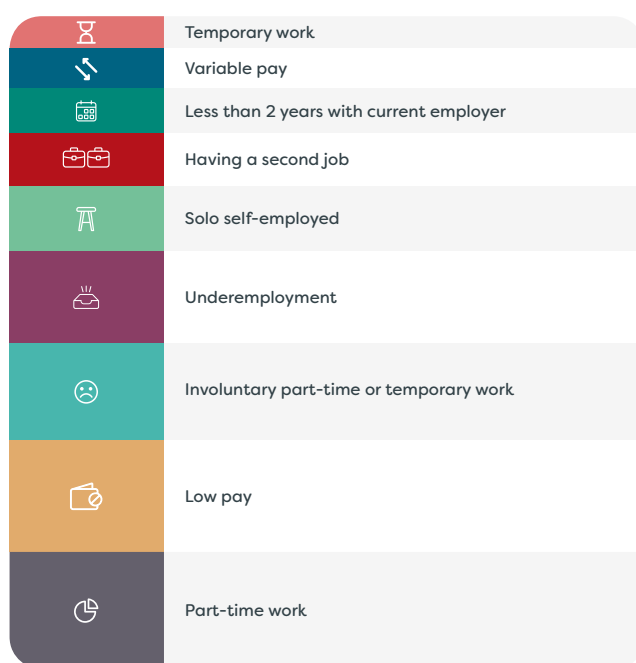
- contractual insecurity, where people are not guaranteed future hours or future work;
- financial insecurity, where people have unpredictable pay or their pay is simply too low to get by;
- lack of access to employment rights and protections.

Using a Principal Component Analysis, our UK Insecure Work Index assigns weights to different working practices and categorises work in the UK into three groups.

As a result:

- **secure work** refers to job situations where there are no indicators of insecurity
- **low to moderately insecure work** reflects where one or several forms of lower weighted insecurity come together
- **severely insecure work** refers to situations where two or more heavily weighted forms of insecure work come together, or where people are in part-time or temporary work while they want, or need, to work full-time or in a permanent role, also called 'involuntary' temporary or involuntary part-time work.

Figure 3: Relative contribution of each job characteristic to overall levels of insecurity, average between 2000-2023



Source: Work Foundation analysis of Labour Force Survey microdata, April-June quarters 2000 to 2023.

The theoretical approach and methodology are described in our report Florisson, R. (2022). The UK Insecure Work Index: two decades of insecurity. The Work Foundation at Lancaster University, and the accompanying Technical Annex. Available from: <https://www.lancaster.ac.uk/work-foundation/publications/the-uk-insecure-work-index>

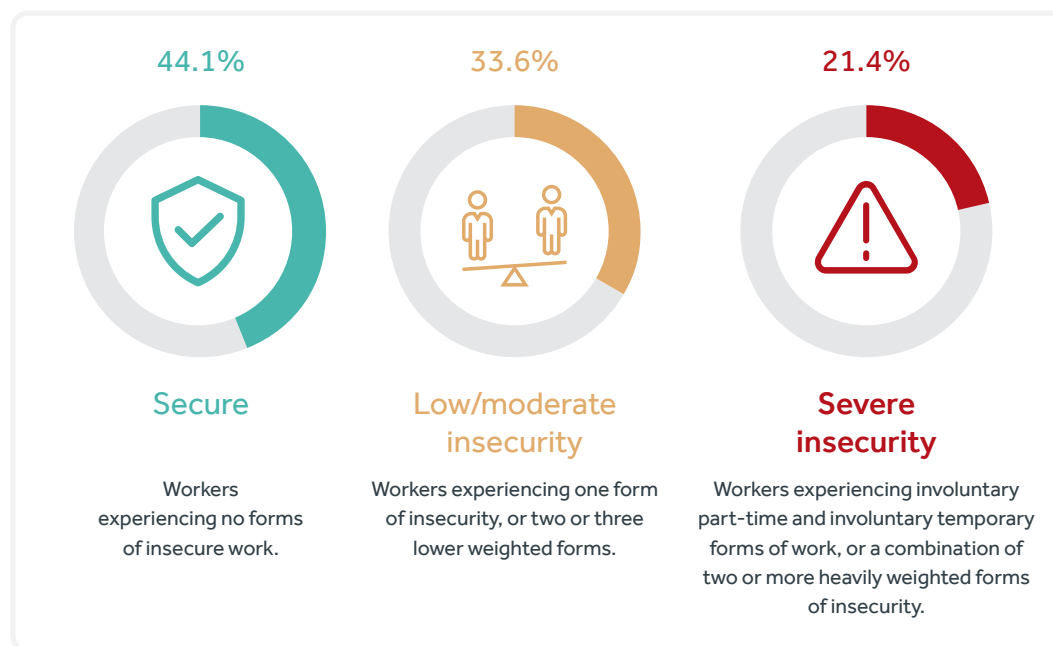
### 3. THE POTENTIAL IMPACT OF MAJOR EMPLOYMENT RIGHTS BILL REFORMS ON LEVELS OF JOB INSECURITY

To illustrate the potential impact that the Employment Rights Bill could have on increasing security in the UK labour market, this report focusses on two key reforms that seek to address specific drivers of severe insecurity. The **introduction of day one employment rights** and the **ban on 'exploitative' zero-hour contracts** have the potential to significantly reduce the number of people who find themselves without employment protections, in underemployment or facing uncertain hours or pay.

By using the UK Insecure Work Index, it is possible to estimate how many people would have been in severely insecure work in 2023 had these reforms been in place.<sup>iv</sup> Comparing this estimate with the actual figure of 6.8 million people in severely insecure work that year shows the potential reach of the changes and reduction in insecurity.<sup>9</sup>

It is important to note that this analysis does not take account of the risk that these reforms could have led to employers taking different recruitment and workforce decisions. Rather, it highlights the potential change in the number of people who would have experienced insecurity at work in 2023 had all other factors remained constant – which provides an indication of the number of people who may benefit in the future.

Figure 4: Insecurity amongst the UK workforce in 2023



Source: Work Foundation calculations using ONS Labour Force Survey microdata, 2023 April-June.

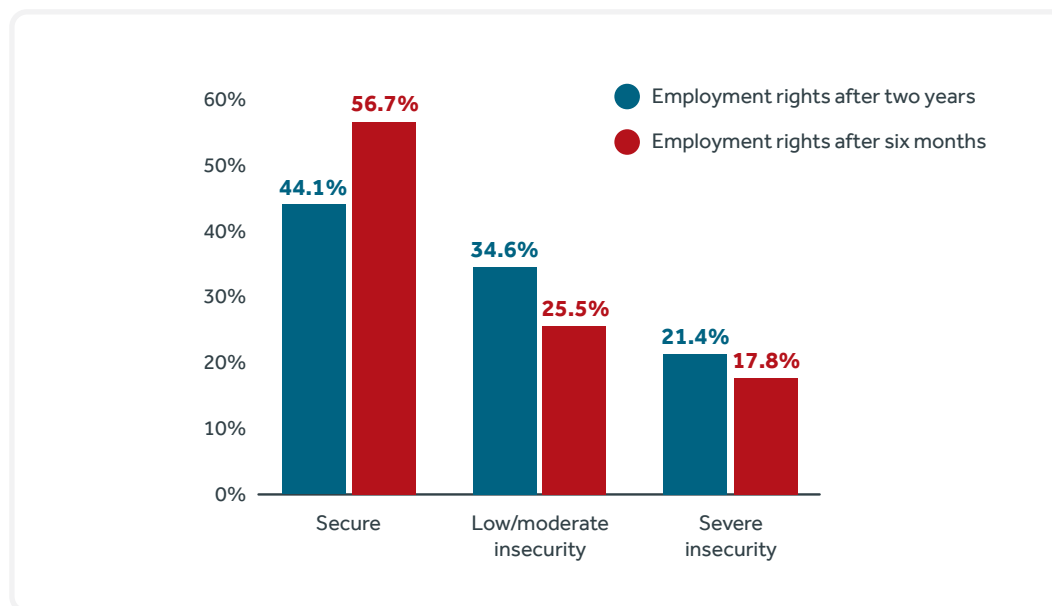
#### What impact would these changes have had on overall levels of insecure work in 2023?

The analysis suggests that had the introduction of day one employment rights with a probation period of six months and reforms ensuring zero-hour contract workers are offered guaranteed hours after 12 weeks been in place in 2023,<sup>v</sup> 1.2 million fewer workers would have experienced highly precarious work. The rate of severe insecurity would have fallen from 21.4% (6.8 million workers) to 17.7% (5.6 million workers). In addition, the levels of moderate insecurity would also have been substantially lower, 25.6% compared to 34.6% and falling by 2.9 million workers.

<sup>iv</sup> Due to quality issues with the Labour Force Survey over the last few years, we have focussed our analysis on April-June 2023, a period which predates the temporary suspension of the survey and which gives a reliable and consistent picture. In this report, we focus largely on headline findings and are confident these are robust.

<sup>v</sup> We use a proxy to estimate one day rights by assuming that the full legal rights as well as wider benefits and protections are obtained when probation has ended, and use an estimate of six months of being with the same employer.

**Figure 5: Estimated reduction in insecurity in 2023 had key reforms from the Employment Rights Bill been in place at the time**



Source: Work Foundation calculations using ONS Labour Force Survey microdata, 2023 April-June.

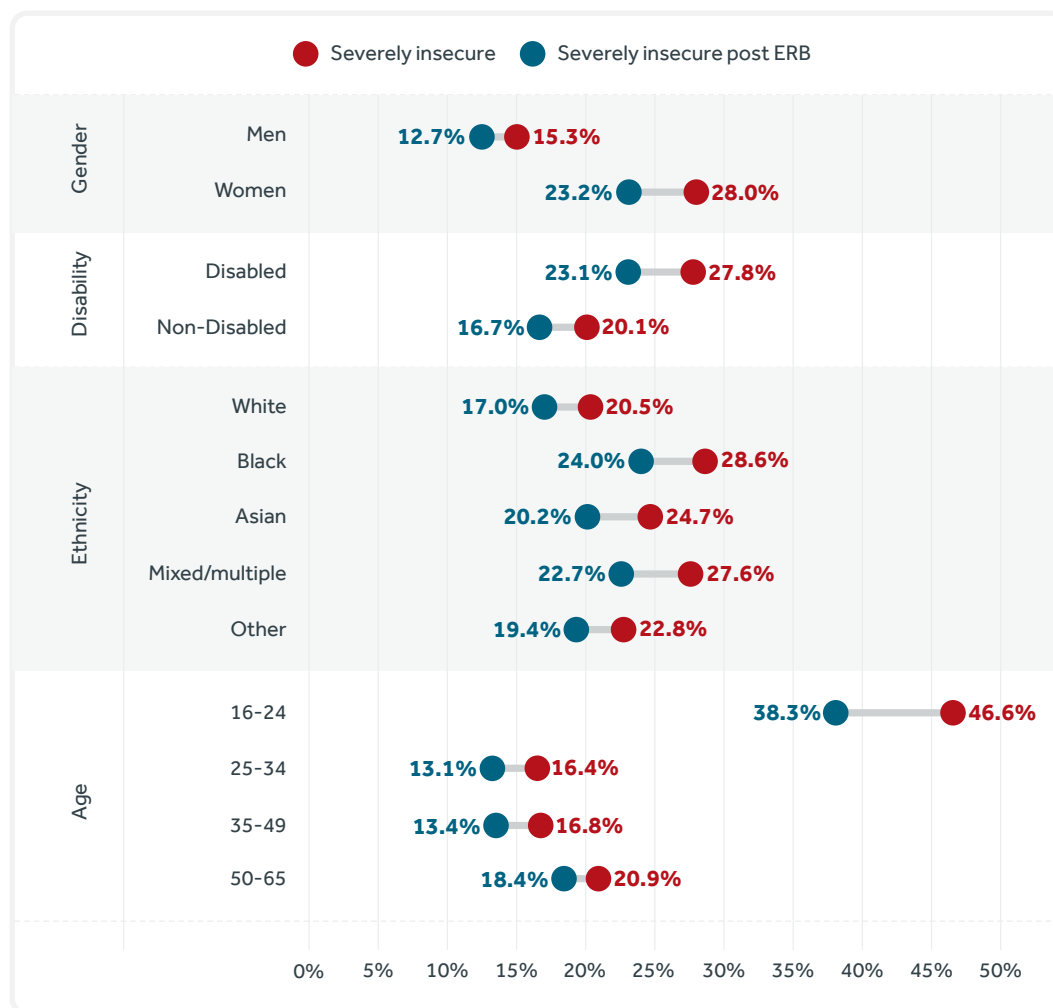
The number of workers in secure work would also have increased significantly, from 44.1% of workers (13.9 million) to 56.7% (17.8 million). This would have meant an additional 3.85 million workers would have had a job with a secure contract that provided employment protections and predictable hours and pay.

Previous Work Foundation research has shown that the experience of insecurity is felt unequally, with women (28%), young workers aged 16-24 (46.6%),<sup>vi</sup> disabled people (27.8%) and those from ethnic minority backgrounds (28.6% of Black workers, 24.7% of Asian workers) more likely to experience severely insecure work.<sup>10</sup>

Reviewing this data in a scenario where the ban on zero-hour contracts and new day one employment rights would be in place indicates that disadvantaged groups have the most to gain, particularly young workers and those from ethnic minority backgrounds. For women and disabled workers, their potential gains mirror those of men and non-disabled people, suggesting reforms would lead to a positive shift overall, without necessarily addressing underlying labour market inequalities.

<sup>vi</sup> Although the rate of severely insecure work is much higher among young workers who are in full-time education (89.6%), it is also substantially above the national average for young workers who are not in full-time education (30.5%).

Figure 6: Estimated reduction in severely insecure work in 2023 had key changes from the Employment Rights Bill been in place at the time



### 3.1 Introducing new day one employment rights

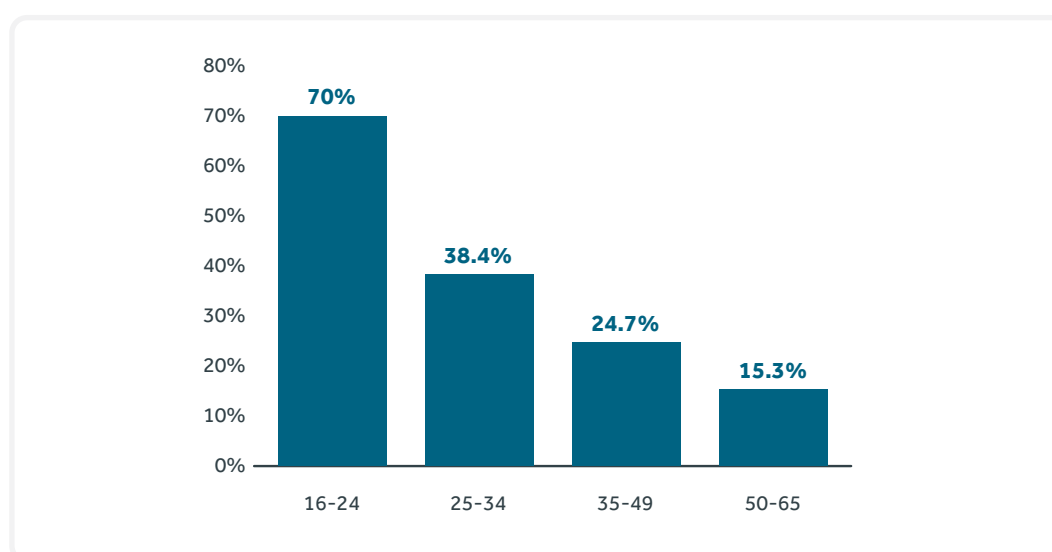
Currently, workers must be employed with a given employer for two years before they obtain full employment rights and protections. In 2023, approximately 9.4 million workers had worked for their employer for less than two years, and as such would have been unable to claim some forms of unfair dismissal unless pertaining to discrimination. In addition, during probation periods, workers may not have been able to access full company sick pay or flexible working.

Those in insecure roles who are more likely to be on short-term contracts and switch roles more frequently are most likely to be in this situation. This, in turn, makes it more difficult for them to obtain the full range of employment benefits and protections as they do not remain with the same employer for the two years required.

## Who are the workers who lack full employment rights and protections

- Approximately 9.6 million workers had worked for their employer less than two years in 2023, and were therefore not entitled to full employment rights and protections
- Some 2.2 million workers had worked for their employer for less than six months, making it likely they are still in probationary periods which see them potentially excluded from benefits and protections at work. A sixth of these (17% / 630,000) are young workers aged 16-24 years old
- Sectors such as accommodation and food (15.1%) and arts, entertainment and leisure (8.9%) have higher concentrations of workers who lack full employment rights and protections due to the prevalence of short and fixed-term contracts.

**Figure 7: Proportion of workers missing out on employment protections related to duration of tenure, by age category**



Source: Work Foundation calculations of Labour Force Survey microdata 2022-2023 April-June quarters.

## What is Government proposing in the Employment Rights Bill?

Under the proposed new rules, workers will be better protected from unfair dismissal by shifting the qualifying period from two years to day one on the job. However, they will still have fewer rights and protections during their probationary period, now termed their 'initial employment period', than workers with longer tenure with a given employer.

Under the current rules, probation is contractual, and the UK Government is exploring options for a statutory probation period, potentially up to nine months.<sup>11</sup> This would mean businesses can still provide probation periods of three or six months, providing they do not exceed the statutory timeframe. This measure would protect workers from excessive probationary periods during which they would stand to miss out on important benefits and protections.

The reforms would not impact eligibility for statutory redundancy pay, which would continue to require two years of continuous service.

## The potential effect of these changes on severely insecure work in the UK

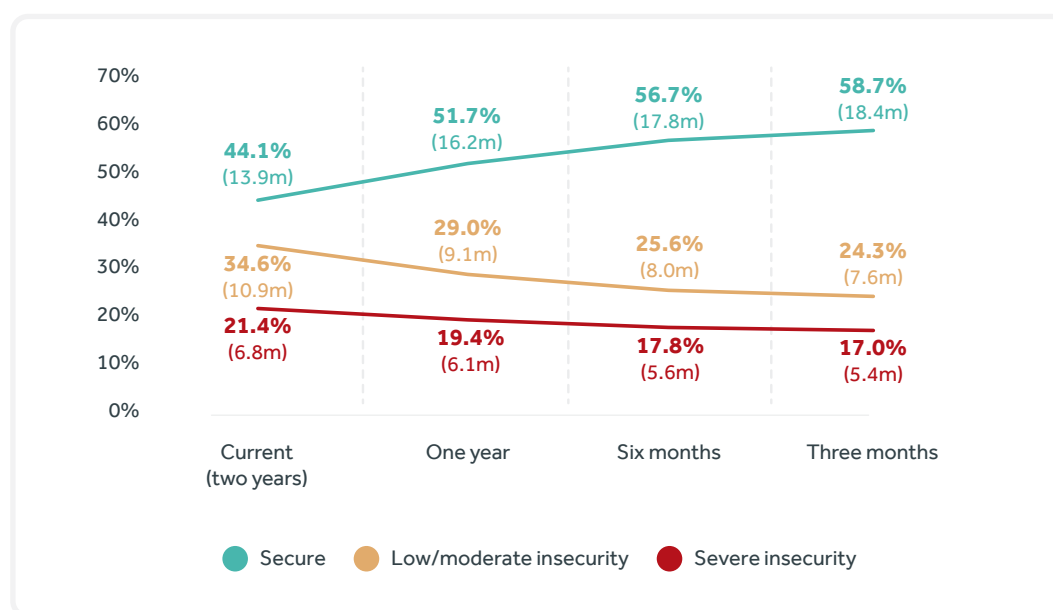
Due to limitations in the dataset, it is not possible to estimate the impact of a nine-month probation period having been retrospectively in place in 2023. However, it is possible to compare scenarios where workers gain access to full employment rights, benefits and protections after three months (thus assuming that the timing for rights to unfair dismissal and probation align), six months and one year, as opposed to the current two year period.

The comparison table shows that shifting from the current two years wait to become eligible for full employment rights to one year, would have reduced the level of severely insecure work by only two percentage points. A period of six months however nearly doubles this reduction in severely insecure work (3.6 percentage points) and would have increased secure work by 12 percentage points. If this measure had been in place in 2023, the level of severely insecure work would have dropped from an estimated 21.4% to 17.8%, effectively reducing severely insecure work by an estimated 1.2 million workers.

A probation period of three months coupled with full employment rights would have further reduced severely insecure work by 4.4 percentage points to 17%, and increased the number of workers in secure jobs by 14.7%. And there would have been an even greater shift in the levels of those in moderately insecure work into secure work had these changes been in place at the time, with an estimated additional 3.85 million workers experiencing security at work as a result.

These results demonstrate that when Government consults on the duration for statutory probation, it should consider the potential impact that a shorter probation of three to six months could have on lifting workers out of insecurity.

**Figure 8: Change in levels of job security in 2023 under new proposed day one rights with different probationary periods**



Source: Work Foundation calculations of Labour Force Survey microdata 2022–2023 April–June quarters.

### 3.2 Banning ‘exploitative’ zero hours contracts

In April–June 2025, there were approximately 1.17 million (3.4%) workers aged over 16 in the UK who relied on a zero-hour contract for their main job.<sup>12</sup> Although zero-hour contracts make up a relatively small share of the overall workforce, they exemplify the impact of insecure work on working lives as they do not guarantee any pay or hours and have been the subject of high profile attention since they entered the public eye in 2013.

Zero-hour contracts do not have a defined legal status but describe an employment relationship where the employer does not guarantee any hours. In practice, this means workers tend to be offered hours when the employer needs them, resulting in one-sided flexibility, variable hours and pay, as well as lower access to rights and protections.

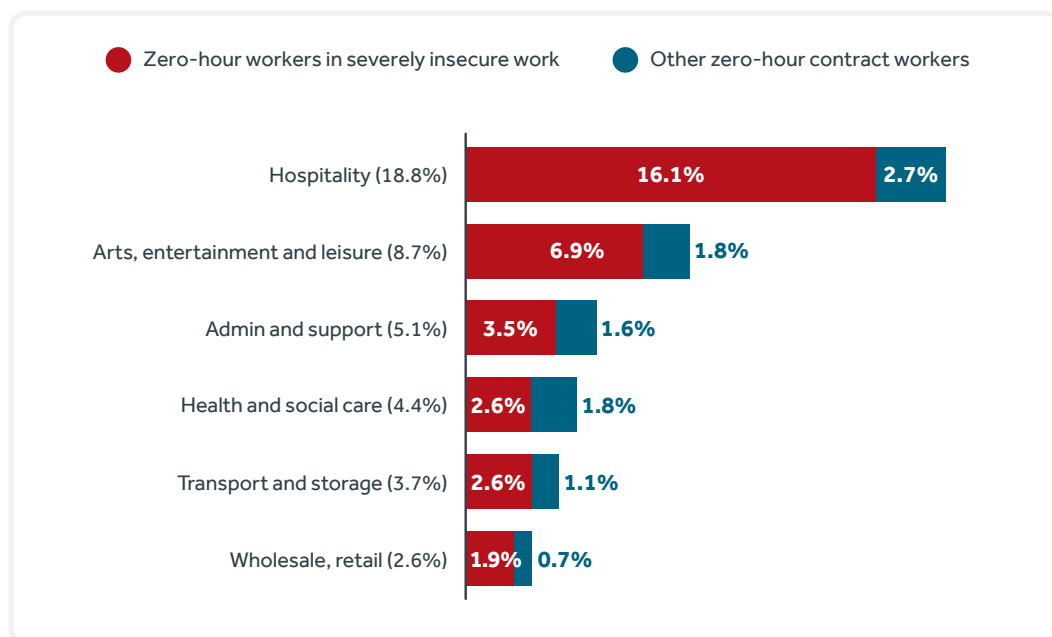
By applying our UK Insecure Work Index framework, 73.5% of people working with zero-hours contracts in their main job are in severely insecure work. This means workers experience multiple forms of contractual and financial insecurity and lack basic employment protections.<sup>13</sup>



## Who are the zero-hour contract workers

- Zero-hour contract workers are concentrated in hospitality, arts, entertainment & leisure, admin & support, health and social care
- They are likely to be in lower paid and non-managerial roles. These roles are more commonly held by women, people from ethnic minority backgrounds, and younger workers.

Figure 9: Proportion of workers on zero-hour contracts, by industry



Source: Work Foundation calculations of Labour Force Survey microdata 2022-2023 April-June quarters, workers aged 16-65.

## What is Government proposing in the Employment Rights Bill?

The proposed legislation introduces the right for workers to have a contract based on the number of hours they usually work for their employer, based on a reference period.<sup>vii</sup> The length of this reference period remains subject to consultation, but is likely to be around 12 weeks.<sup>viii</sup>

The Government has proposed workers get reasonable notice of their shift patterns, any changes to these patterns or cancellations, and compensation for shifts that were cancelled, changed or curtailed at short notice.<sup>14</sup> Although primarily focussed on tackling zero-hour contracts, these reforms might also apply to many workers who work beyond their contracted hours, and who are at risk of losing shifts, hours and pay, depending on where the thresholds are drawn.<sup>15</sup>

What constitutes short notice, or reasonable notice will be set out in secondary legislation following consultation, alongside the level of compensation due. Furthermore, the secondary legislation will likely contain exemptions to these rules, codifying the circumstances under which employers will be able to cancel, change or curtail shifts without having to compensate workers.

<sup>vii</sup> We do not quantify the effect of the Right to Reasonable Notice and Compensation for Shift Cancellation in this paper due to data and methodological limitations.

<sup>viii</sup> Amendments were introduced in the House of Lords in July 2025 seeking to extend this to 26 weeks, or six months. Others proposed to shift the onus from employers being required to offer guaranteed hours towards employees having to request this. UK Parliament online (24 July 2025). Lords votes for changes to Employment Rights Bill. <https://www.parliament.uk/business/news/2025/july/employment-rights-bill-house-of-lords-report-stage/#:~:text=for%20agency%20workers.-,Votes,-There%20were%C2%A0>

## The potential effect of these changes on severely insecure work in the UK

In 2023, an estimated 7.5% of zero-hour contract workers had worked for their employer for less than three months (around 12 weeks).<sup>16</sup> This means that the other 92.5% of zero-hour contract workers in 2023 – equating to around one million more people – would have had access to guaranteed hours thanks to the change.

The 81,000 zero-hour workers with less than three months employment tenure would have remained on variable or uncertain hours until their qualifying period ends. However, the reforms would nevertheless have significantly reduced the period in which those workers found themselves facing this kind of insecurity at work. This represents a substantial shift from the usual route out of insecurity, which our previous studies have shown usually requires a change of job and/or sector.<sup>17</sup>

The introduction of guaranteed hours has the potential to address the variability in hours and earnings which often accompany zero-hour contracts. Nearly half of zero-hour contract workers (49%, which is over 500,000 people) note that their weekly hours usually vary, which for some leads to variable pay.<sup>18</sup>

In 2023, approximately 40,000 zero-hour contract workers reported variable pay, and as such would have benefitted from more predictable pay had the ban been in place. Additionally, approximately 10,000 agency workers reported variable pay in 2024.<sup>19</sup> The inclusion of these workers in these new rules would see them gain predictable hours and, as a result, more reliable earnings.

However, it is important to note that the majority of these workers would not have become 'secure' in the context of the UK Insecure Work Index as a result of these changes alone. The reality is that 73.5% of zero-hour contract workers are in severely insecure work because they experienced several other insecure work factors simultaneously – in particular underemployment (meaning they want more hours than they are being given) and involuntary temporary work (meaning they want permanent work but do not have it).

Taking that into account, the estimated impact of the introduction of guaranteed hours for people with variable earnings alone would have only reduced the number of workers in severely insecure work overall by approximately 2,300 workers, while moving a further 1,000 workers from moderate insecurity into secure work. While this appears to be a relatively small impact, it underlines the multi-faceted nature of insecurity in the UK labour market, and the importance of the ban on zero-hour contracts being accompanied by other reforms.

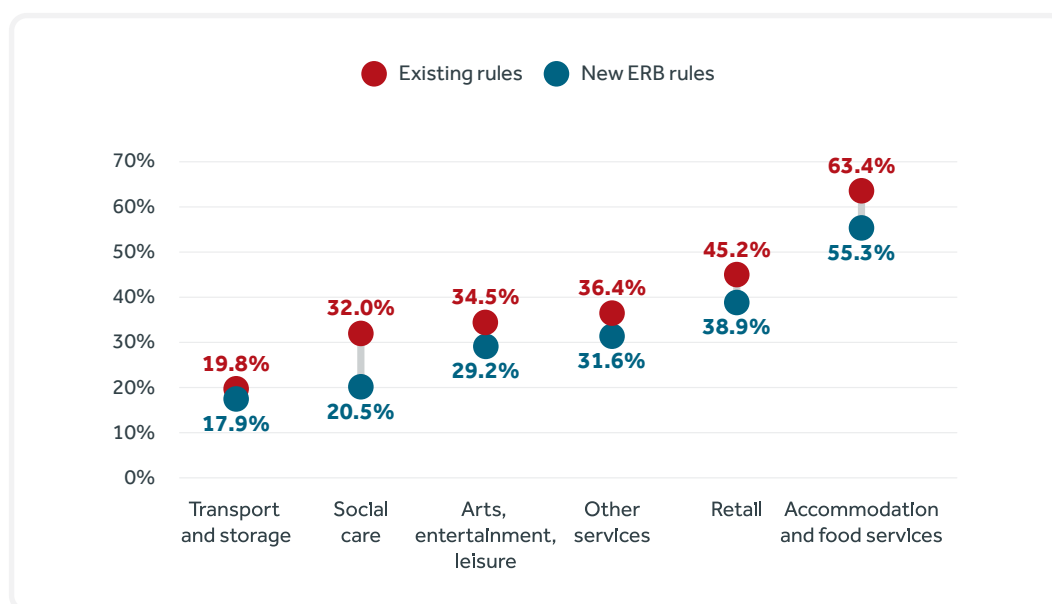
### Loopholes in tackling zero-hour contracts in the Netherlands

In the Netherlands, an obligation for employers to offer guaranteed hours after a qualifying period has resulted in some employers in the Amsterdam hospitality sector simply re-issuing zero-contracts once the period is up. This potential for misuse is compounded by workers' limited understanding of their contracts and rights. It highlights the need to reconsider not only an employees' right to a contract, but also their capacity to advocate for it. Achieving this requires that contract terms be presented in a clear, accessible format that enables genuine understanding, and also appropriate enforcement of the new rules.<sup>20</sup>

## 4. THE POTENTIAL IMPACT OF KEY REFORMS ON INSECURE WORK SECTORS: RETAIL AND SOCIAL CARE

Sectors where severely insecure work is prevalent stand to be particularly impacted by the measures in the Employment Rights Bill. These are sectors where low pay, zero-hour contracts and temporary jobs are more likely to occur than in other sectors, such as hospitality, arts & leisure, retail and social care. This section explores the ways in which specific measures in the Bill could impact levels of insecure work in the retail sector and in adult social care, and where the current proposed measures leave some risks or loopholes unaddressed.

Figure 10: Change in levels of insecure work if ERB rules had been in place in 2023, by sector<sup>ix</sup>



Source: Work Foundation calculations of Labour Force Survey microdata 2022-2023 April-June quarters.

### 4.1 The Employment Rights Bill has the potential to boost the security of work in retail

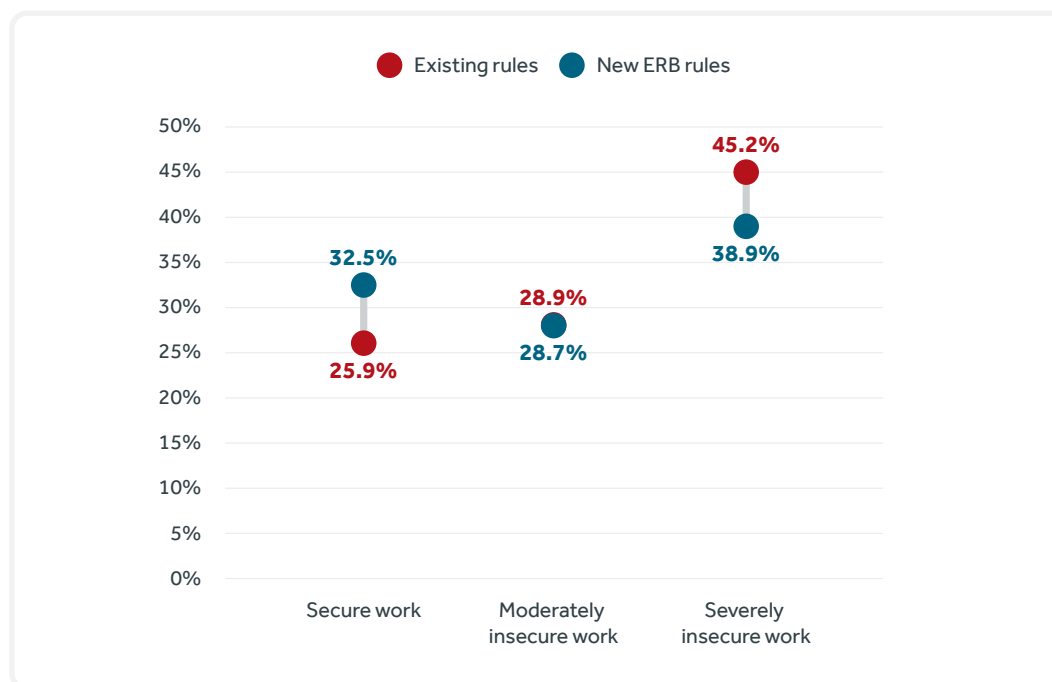
In 2023, 45.3% of the 2.4 million workers in retail were in severely insecure work, which is more than twice the average rate across the economy (21.4%). Approximately 8.2% (100,000) of retail and wholesale workers were on zero-hour contracts, making these workers 2.2 times more likely than average to be on zero-hour contracts. Around 860,000 retail workers (36.1%) had worked for their employer for less than two years, resulting in excluding them from important employment rights and protections.

If variable pay after twelve weeks for those on zero-hour contracts were to have been eliminated due to the new proposed rules in the Employment Rights Bill, and workers had full employment rights after a six month probation period, the rate of severely insecure work in retail in 2023 would have been significantly lower. Indeed, if these new rules had been in place in 2023, the rate of severely insecure work in the retail sector would have fallen by an estimated 6.4 percentage points, from 45.3% to 38.9%. This represents 160,000 retail workers moving from severe insecurity at work to moderate insecurity, and 150,000 workers moving to secure employment.

<sup>ix</sup> Sectors are broad one character classifications using the Standard Industrial Classification, except retail, which uses SIC 47 and excludes wholesale, and social care, for which we use the four-digit Standard Occupational Classification for 2020 code 6135 – care workers, covering approximately 750,000 workers in 2023.

Nevertheless, the rate of severely insecure work would have remained relatively high in the sector compared to the average across all sectors due to the prevalence of involuntary part-time work (meaning people wanted to, but were unable to obtain full-time work) and underemployment and, as a result, low pay.

Figure 11: Change in insecure work in retail if key ERB rules had been in place in 2023



Source: Work Foundation calculations of Labour Force Survey microdata 2022-2023 April-June quarters.

### Risks of displacement to other forms of insecurity in retail

Solo self-employment in the retail sector is generally lower than average in the economy (5.5% vs. 9.9%).<sup>21</sup> However, there are signs that where this is used, it takes a particularly concerning form – namely the use of gig workers who are classified as self-employed and therefore lack access to basic employment rights and protections.<sup>22</sup> There is a risk that when the new rules on zero-hour contracts in particular are implemented, businesses in the retail sector may shift towards increasing the use of self-employed independent contracts, more commonly known as ‘gig workers’, instead.

This is an important concern to address, as unlike employees and workers who have access to specific sets of rights and protections based on their employment status, self-employed independent contractors are not eligible for most employment rights. These include holiday pay, parental leave, sick pay, and, as it stands, self-employed workers will not directly benefit from the reforms in the Employment Rights Bill.

While the UK Government has outlined ambitions for reforming worker status, it is viewed as a longer-term goal by the administration and is not included in the Employment Rights Bill.<sup>23</sup> Given the nature of the sector, this may leave some retail workers at particular risk until further legislation around employment status comes through.

### The rise of freelance gig-workers in retail

To meet the need for additional staff during the busy Christmas period, retailers have traditionally hired fixed-term or agency workers, who are entitled to basic employment rights such as the National Minimum Wage and rest breaks. However, in December 2024, The Observer reported that major retailers including Urban Outfitters, Lush, Gymshark and Uniqlo were recruiting self-employed gig-workers via apps such as YoungOnes and Temper.<sup>24</sup>

Several of the retailers subsequently stopped this practice following public criticism, but examples of the practice persist, including in hospitality and logistics. This illustrates that insecurity is not tied to a single form of work but can be shifted onto others, and raises new concerns over rights and pay. Workers operating through platforms like these are classed as self-employed so will not be covered by even basic employment rights. They can face long delays in receiving payment and must take responsibility for chasing unpaid wages, leaving them in a highly vulnerable position. Opting for faster or direct payment may mean additional fees are deducted from their earnings.<sup>25</sup>

In January 2025, the then Minister for Employment Rights, Justin Madders MP, wrote to YoungOnes and Temper to inform them their operations could be in breach of employment law and staffing agency regulations.<sup>26</sup> He also instructed the Employment Agency Standards Inspectorate to investigate.

This example underscores why the Employment Rights Bill must be approached holistically, ensuring that enforcement is built in and the Government's intended review of employment status is not shelved. Without this, insecure work risks being displaced onto new forms, leaving workers exposed to the same vulnerabilities under different guises.

## 4.2 Work expected to become more secure in social care under new rules

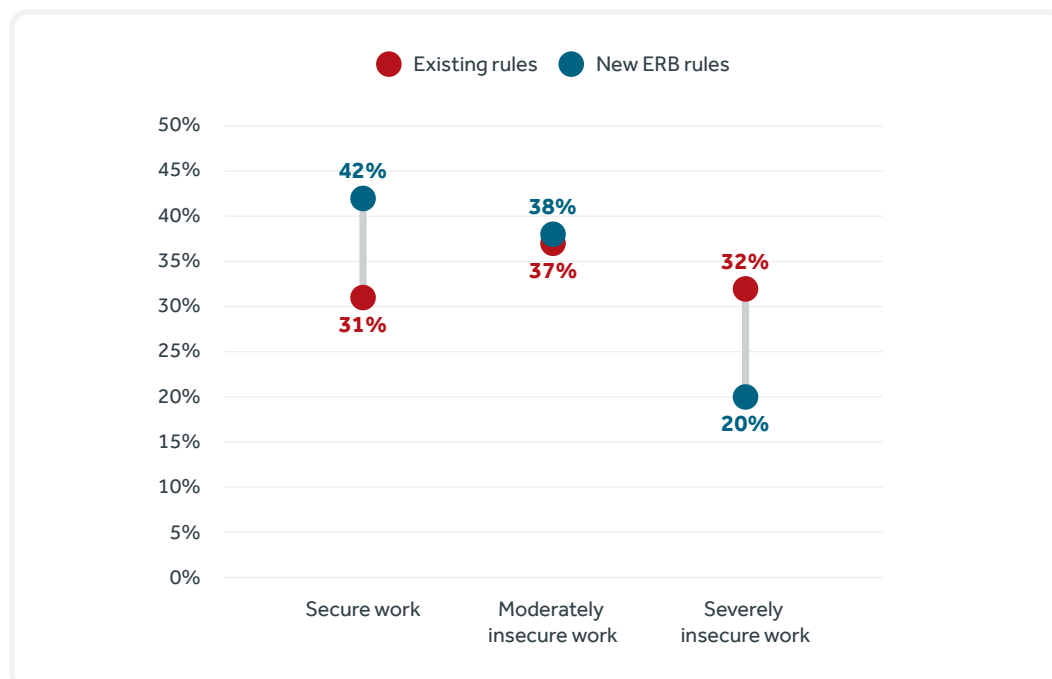
In 2023, 32% of care workers were estimated to be in severely insecure work, and the true extent may have been higher.<sup>x</sup>

Levels of severely insecure work among care workers are primarily driven by underemployment, involuntary temporary and part-time work, low pay and unpredictable pay. Furthermore, Skills for Care reports that 21% of the adult social care workforce in England were on zero-hour contracts in 2023/24, a proportion that increases to 29% among care workers.<sup>27</sup>

If the new rules proposed in the Employment Rights Bill had been in place in 2023, eliminating variable pay after twelve weeks for those on zero-hour contracts and guaranteeing employment rights to all workers after a six month probation period, significantly fewer workers in social care would have experienced insecurity at work.

In particular, the rate of severely insecure work among social care workers would have been 11.5 percentage points lower, dropping from 32% to 20.5%. At the same time, the rate of secure work would have been 11 percentage points higher, raising from 30.8% to 41.8%.

<sup>x</sup> Please note this figure likely underestimates the true extent of insecurity due to issues with the data. In the first instance, the Labour Force Survey (LFS) occupations and industry categorisation does not match with administrative data on the size of the workforce. For LFS estimates, we use the four-digit Standard Occupational Classification for 2020 code 6135 – care workers, covering approximately 750,000 workers in 2023. Where possible in this section, we use Skills for Care figures derived from administrative data, which cover the wider 1.5 million social care workforce. Further, the UK Insecure Work Index imputes earnings data from the Annual Survey for Hours and Earnings, to overcome the limitations of earnings data in the LFS, mainly pertaining to only one fifth of employees in the sample being asked for their income. The average reported ASHE wage for social care workers exceeds the National Living Wage/National Minimum Wage and is higher than our threshold for 'low pay'. This underestimation of the true extent of low pay means we underestimate the extent of severely insecure work for social care.

**Figure 12: Change in insecure work in social care if key ERB rules had been in place in 2023**

Source: Work Foundation calculations of Labour Force Survey microdata 2022–2023 April–June quarters.

### Adult Social Care negotiating body provides an opportunity to further reduce insecurity

Nevertheless, even with these changes in place, it is highly likely that the adult social care sector will remain characterised by high levels of insecurity, unless a new funding model and wider reforms are introduced.

A large proportion (70%) of the social care workforce are paid on or about the legal national minimum and living wage,<sup>28</sup> which due to its rises in recent years has improved the living standards of social care workers, although not enough to lift them out of poverty. Between 2021/24, an estimated one in five residential social care workers lived in, or were on the brink of, poverty and over one in ten experienced food insecurity.<sup>29</sup> This, and other challenges in the sector have reduced the attractiveness for domestic workers in taking up these roles, meaning the sector has become more reliant on migrant workers.

However, migrant workers are often at risk of exploitation due to power imbalances vis a vis their employer and visa restrictions. In 2025, the trade union Unison reported that more than a quarter (27%) of migrant care workers were paid below the minimum wage. Many were not paid for time spent travelling between visits, missing out on sick pay, and employers deducting fees from their salary.<sup>30</sup>

Recognising the challenges this presents for workforce recruitment and retention, the quality of care provided and the sustainability of the sector, the Employment Rights Bill aims to establish new Adult Social Care Negotiating Bodies for England, Wales and Scotland. This will consist of employer and employee representatives, brought together to develop and introduce a Fair Pay Agreement for the sector. This agreement will specify the minimum pay and minimum standards of work and working conditions for the sector, going beyond national statutory minimums.<sup>31</sup>

Government intends to use secondary legislation to pin down the detail of what this body will negotiate on. They have not yet decided what will be in scope and it is of vital importance that measures beyond pay are included, such as measures to tackle insecure work in the sector, working conditions and career progression. The success of this intervention will be critical in driving up access to secure employment in social care in the years ahead.

## 5. CONCLUSION AND RECOMMENDATIONS

The Employment Rights Bill represents a potentially transformative opportunity for millions of low paid and precarious workers. However, the analysis in this report highlights that ministers still have important decisions to take on primary and secondary legislation. These pivotal decisions will impact how many workers will likely benefit from the new legislation and must be explicitly connected to wider efforts to boost economic growth and drive-up living standards.

In headline terms, it suggests that **1.2 million fewer workers would have experienced severely insecure work** had the Government's proposed 'ban' on exploitative zero-hour contracts and access to 'day one' employment rights with a six month statutory probation period been in place in 2023. The rate of severe insecurity would have been 17.7% (5.6 million workers), down from 21.4% (6.8 million workers), while the levels of moderate insecurity would also have been substantially lower, 25.6% compared to 34.6%.

Critically, an additional 3.85 million workers would have been in jobs that offer secure work in terms of predictable pay, hours and employment protections. This would have reflected a 12.6 percentage point increase in the number of workers in secure employment from 44.1% (13.9 million) to 56.7% (17.8 million).

But the analysis also makes clear that any changes to the details underpinning key reforms – such as qualifying periods for new rights, or where responsibility lies for accessing guaranteed hours – could dramatically reduce the number of people likely to benefit. For example, the impact of introducing a 12-month probationary period before accessing new employment protections compared to a six-month period could mean as many as 500,000 fewer workers are lifted out of severely insecure work at any given time.

In addition, these reforms have the potential to be particularly impactful in those sectors where insecure work tends to be concentrated, such as retail and social care.

If these new rules had been in place in 2023, the rate of severely insecure work in the retail sector would have fallen by an estimated 6.4 percentage points, from 45.3% to 38.9%. This would have represented 160,000 retail workers moving from severe insecurity at work to moderate insecurity, and 150,000 workers moving to secure employment.

In social care, the rate of severely insecure work would have been 11.5 percentage points lower, dropping from 32% to 20.5%. At the same time, the rate of secure work would have been 11 percentage points higher, raising from 30.8% to 41.8%.

However, Government must be proactive during the roll-out of the Bill to ensure that employers in these sectors in particular don't pivot to other, even more precarious, forms of work in response to these reforms.



## Recommendations – navigating critical policy choices

Opposition amendments moved in the House of Lords have delayed the Employment Rights Bill achieving Royal Assent and risk derailing several of its key reforms. During this critical period for the Bill, the Government must ensure reforms prioritise lifting as many people out of severe insecurity at work as possible.

### 1. To ensure the potential of the Employment Rights Bill is maximised and safeguard the core purpose of the reforms in primary and secondary legislation, Government should:

- **Reject any proposed amendments that seek to dilute the new protections in the Bill,** including moves to shift the onus from mandating employers to offer guaranteed hours for qualifying workers, rather than requiring workers to request them.
- **Guarantee the core purpose of key reforms are not diluted in the drafting of secondary legislation,** explicitly re-stating its commitment to these objectives in all consultation documents and guidance and minimising the risk that responses seek to undermine the core intent of the Bill.
- **Ensure the implementation of the ban of zero-hour contracts minimises the risk of enabling loopholes that allow employers to maintain precarious employment practices.** Government should prioritise promoting awareness of contractual forms and their attendant rights among workers, guard against displacement towards other forms of insecure work that are harder to legislate for, and expediate the review of employment status and Government commitment to additional protections for self-employed workers.
- **Make sure that extended protections from unfair dismissal are not diluted by excessive probation periods.** Government should seek to minimise the qualifying period for this employment right and avoid unnecessary complexity.
- **Ensure the extension of flexible working rights prompts employers to proactively evaluate all roles for potential flexibility, supported by statutory guidance, to help limit refusals.**

### 2. To allow for a smooth transition for employers and workers as the Employment Rights Bill is implemented, Government should:

- **Ensure robust and representative stakeholder engagement that ensures all voices are heard.** This should include proactive dialogue with worker representatives, employers, and civil society organisations throughout the consultation process. Doing so will ensure that the needs of those experiencing insecurity at work are fully considered and reflected in the final regulations.
- **Provide clarity and support to employers to assist with the transition to new regulations.** This should include the production of specific resources and guidance for employers in sectors most affected, such as the voucher scheme currently under consideration by the Department for Business and Trade, which would allow small companies to be given time with HR specialists to help interpret and implement the Bill.<sup>32</sup>



### 3. To guarantee the Employment Rights Bill is appropriately enforced and its impact monitored, Government should:

- **Ensure enforcement of new regulations is properly resourced and effectively administered.** To aid proactive identification of rights violations, Government should increase the number of inspectors from its current level of nearly 1,500 to the approximately 3,400 that are needed to meet international benchmarks.<sup>33</sup>
- **Introduce an effective Social Care Negotiating Body and deliver a Fair Pay Agreement for the sector.** The secondary legislation used to determine the detail of what the body will negotiate on must be focussed on reducing insecure work in the sector and improving working conditions.
- **Establish a national Secure Work Commission to measure the impact of the Bill's reforms on both workers and employers and recommend future reforms.** This Standing Commission should bring together UK Government representatives, employers, and unions to monitor types and levels of insecure work in the economy, set targets, and make recommendations for action, with a focus specifically on sectors where insecure work is prevalent. The Commission's remit would include influencing regional industrial strategies with targets to reduce insecure work and ensure new investment and job creation leads to higher levels of secure work across the country.

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