

UNDERGRADUATE LAWS PROGRAMME BLOG

Video transcript: The Taylor review of modern working practices

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In this recording I'm going to talk to you about the Taylor review of modern working practices which was published in July 2017 and arose from the government asking Matthew Taylor to look at the UK employment area and the legislation on this area and whether it's fit for purpose with modern working practices such as the gig economy.

Now one of the ambitions of the report was all work in the UK economy should be fair and decent with realistic scope for development and fulfilment. Now that's definitely a laudable aim. And the review found many positives of UK employment for example how flexible it can be. And flexibility can be very important for people because they want to fit work around family and other commitments. But it can also have its downsides and one of those downsides is the possibility of exploitation particularly of workers in lower paid sectors and where zero-hour contracts and those gig economy workers tend to fall.

One particular area that was raised as an area of concern was those definitions of employee, worker and self-employed persons. Now as we know employees and workers are defined in section 2.30 of the employment rights act and self-employed people don't have a particular definition in legislation but they're generally seen to have a contract for services. And review felt that particularly the differences between workers and self-employed persons is a particular area where there might be scope for exploitation of more vulnerable workers. And one of the recommendations that it's made is that worker is renamed as a dependent contractor. One of the other names for self-employed persons is independent contractor. So you can see the thinking there, one of them is independent and the other one is dependent. It also asked for clarity to be imposed on what those differences actually are. And this particular quote that really kind of struck me as I really agreed with and said "because I've interpreted their definitions of employees and worker in a way that's led to a situation where they appear to be broadly the same but with worker being a slightly lower bar". And I definitely agree with that. From looking at the case law I'm used to sometimes see a case where they've been determined to be a worker so that they get those protections that self-employed people don't have but when you look at it you're left with the question well why aren't they an employee, what's the difference between being an employee and a worker. So that's why one of the recommendations is that the government makes those distinctions clearer.

The second recommendation is making it clear what rights people have right from the very beginning. So section 1 of the employment Rights Act provides that employees have the right to written statement of terms within two months of starting work. Now the review suggests that that is extended to workers and also that it's provided from day one, so that right from the beginning people are aware what those terms are or how they're going to be working.

Now the Taylor review contains many other recommendations, it's a hundred and sixteen pages long but I would really recommend that you find it, it's on the gov.uk website and have a read of it. Because it could have real implications for the future of UK employment law. If those recommendations are accepted by the government of course. It's not law but the government house said that it will be taking this review seriously.