Section A
Institution: Durham University
Unit of Assessment: 18 – Law
Title of case study: Tackling Unacceptable Forms of Work through Global Policy
Period when the underpinning research was undertaken: Between 2015 and 2019
Details of staff conducting the underpinning research from the submitting unit: Deirdre McCann

Name(s): Deirdre McCann	**Role(s) (e.g. job title):** Professor	**Period(s) employed by submitting HEI:** 2013 - present

Period when the claimed impact occurred: Between 2015 and 2020
Is this case study continued from a case study submitted in 2014? N

Section B

1. Summary of the impact

The project on the *Legal Regulation of Unacceptable Forms of Work* (UFW) led by Durham Law School has directly influenced global and domestic legal policy relevant to the 1,400,000,000 workers in the global labour force in low-waged and insecure work. Specifically, it has led to:

a. International and Global Impact
At the international level McCann's research has contributed to a reframing of United Nations policy by shaping the agenda of the International Labour Organisation (ILO). This work has been incorporated into flagship ILO policy agendas on the Sustainable Development Goals (SGDs) and the *Centenary Declaration for the Future of Work*. The research has also been used by the ILO to create a framework for country-level interventions aimed at developing and strengthening employment practices.

b. Regulation of Unacceptable Forms of Work in Australia
The research resulting from McCann's Strategic Network on Unacceptable Forms of Work has directly influenced Australian policy and legal reforms on insecure work and gender equality. The Victorian government used McCann's model of UFW as a framework for conceptualising insecure work which ultimately underpinned legislative change

c. Tackling Exploitation in Wales
The Welsh government drew on McCann's model of UFW to underpin the employment dimension of Welsh migration policy, which is centred on tackling exploitation.

2. Underpinning research

The UFW project asks how unacceptable work can be eliminated. In countries around the world, 1,400,000,000 workers – including 42% of employed women – are in insecure, low-waged, unsafe jobs that do not provide a decent living for these workers or their families. Yet there has been a degree of confusion about how to identify and improve UFW. Research from the project resulted in the design of a model that can help policy-makers to effectively identify unacceptable work and to design legal frameworks to upgrade it.

Drawing on McCann's extensive research on precarious work and labour standards in low-income countries [e.g. R4, R5], the project generated a Multidimensional Model of UFW that was designed to be used by policy-makers to identify and address UFW (co-authored with Judy Fudge, Kent Law School) (2015-2016) [R1, R2]. The Multidimensional Model allows policy-

makers to identify (1) the substantive features of UFW (e.g. low wages, long hours, underemployment, work/family conflict); (2) the magnitude of these risks and any significant patterns e.g. concentration among certain groups of workers/sectors; and (3) effective regulatory interventions, based on a new strategic approach to UFW regulation that supports socio-economic development, acknowledges the constrained resources of low-income countries, and aims at expansive and sustainable effects.

The Multidimensional Model is designed to be globally-applicable, recognising that unacceptable work varies across socio-economic, regulatory, and cultural contexts [R1]. It reaches beyond existing models of low-quality jobs by incorporating a regulatory dimension [R1, R2, R3, R5]. The overarching objective is to ensure that effective regulation can be integrated into global efforts to achieve UN Sustainable Development Goal No. 8 (decent work and economic growth).

McCann brought together a global network - the Strategic Network on Legal Regulation of Unacceptable Forms of Work - as PI on an ESRC Global Challenges Research Fund (GCRF) grant (2017) (Grant number ES/P007465/1; GBP113,085). This global interdisciplinary network of researchers and stakeholders from more than 90 institutions across 25 countries drew on the Multidimensional Model to map research and policy strategies on the key Global Regulatory Challenges to effective labour regulation (casual work, weak enforcement, violence and harassment in the care economy, informal work etc.) (see further https://www.dur.ac.uk/law/policyengagement/ufw/ufw/). The work of the Network has generated further impact in Australia and Wales (see Section 4 below).

The research has been shortlisted for the ESRC *Celebrating Impact Prize*; Highly Commended in the Durham University *Impact and Engagement Awards*; and selected as an 'Impact Case Study' by the UK Global Challenges Research Fund (GCRF) (to recognise outstanding impact from GCRF-funded projects across all of the UK Research Councils) (all in 2019).

3. References to the research

[R1] 'Unacceptable Forms of Work: A Multidimensional Model' (2016) 156(2) *International Labour Review* 147-184 (with Judy Fudge) https://doi.org/10.1111/ilr.12002. The article is published in the leading interdisciplinary labour journal and was subject to a rigorous peer-review process.

[R2] 'A Strategic Approach to Regulating Unacceptable Forms of Work' *Journal of Law and Society* 2019 (with Judy Fudge) https://doi.org/10.1111/jols.12152. The *Journal of Law and Society* is among the most prestigious UK law journals and a leading international journal in the field of socio-legal studies (peer-reviewed).

[R3] 'Informalisation in International Labour Regulation Policy: Profiles of an Unravelling' in Ashiagbor *Imagining Labour Law For Development: Informal Work in the Global North and South* (Oxford: Hart, 2019) 10.5040/9781509913138. A peer-reviewed contribution to a cutting-edge volume for one of the most prestigious Law publishers.

[R4] 'Equality Through Precarious Work Regulation?: Lessons from the Domestic Work Debates' (2015) 10(4) *International Journal of Law in Context* 507-521 https://doi.org/10.1017/S1744552314000251. Contribution to a globally-renowned peer-reviewed law journal devoted to publishing ground-breaking critical research.

[R5] 'Prompting Formalisation Through Labour Market Regulation: A "Framed Flexibility" Model for Domestic Work' (2014) 43(3) *Industrial Law Journal* 319-348 (with Jillian Murray) https://doi.org/10.1093/indlaw/dwu018. The *Industrial Law Journal* is the leading global labour law journal and one of the most prestigious UK law journals (peer-reviewed).

4. Details of the impact

Global impact: The ILO and UN Sustainable Development Goals

The UFW Project has made a core contribution to legal policy of the United Nations (UN) through the work of the International Labour Organization (ILO) – the UN Specialist Agency responsible for international law and policy on working life. Manuela Tomei, the Director of the ILO Conditions of Work and Equality Department, testifies to the "substantial impact of the project on global labour rights policy" [E1]. Sangheon Lee, the Director of the Employment Policy Department attests that the project has been "of great value to … the ILO's efforts to develop robust policies towards achieving decent work in countries across the world." [E2]

In 2013, the ILO identified as an Area of Critical Importance the elimination of Unacceptable Forms of Work (UFW) ("in conditions that deny fundamental principles and rights, put at risk the lives, health, freedom, human dignity and security of workers or keep households in conditions of extreme poverty.") (ILO *Towards the ILO Centenary* (2013), *The Director-General's Programme and Budget Proposals for 2014-15* (2013)).

Recognising that there was no comprehensive understanding of UFW or how to address it, the ILO "sought guidance … on conceptualizing and addressing this global problem" from McCann [E1]. McCann co-authored a policy report [E3]; was advisor to the two units that lead the ILO's efforts on eliminating UFW – the Conditions of Work and Equality Department (e.g. submission to the ILO Governing Body (executive) discussion of UFW, [E4, E1] and the Employment Policy Department [E2]; and briefed the ILO Director-General (July 2017).

Through these channels, the research has been "instrumental in generating a sophisticated concept of UFW that has been adopted in the work of the ILO." [E2] Its particular influence is in outlining (1) the dimensions of UFW; (2) a strategy for local actors to determine intervention priorities; and (3) a strategic regulation approach [E1, E2].

The research has been incorporated into four flagship ILO policy agendas on the UN Sustainable Development Goals (SDGs); the Universal Labour Guarantee and *Centenary Declaration for the Future of Work*; Unacceptable Forms of Work; and national employment policy [E1, E2]:

- **Sustainable Development Goals**: The research is central to the ILO's work as the lead UN agency responsible for achieving the SDGs. It has been incorporated through the inclusion of UFW in the ILO's platform for achieving the SDGs (ILO *Decent Work and the 2030 Agenda for Sustainable Development* [E1].

- **Universal Labour Guarantee/Centenary Declaration.** As shown in the testimony by the Director of the ILO Employment Policy Department, McCann and Fudge's model of UFW has also "evolved into" [E1] the notion of a Universal Labour Guarantee proposed by the Global Commission on the Future of Work (2019), a landmark commission chaired by the premiers of South Africa and Sweden (ILO Global Commission on the Future of Work *Work for a Brighter Future* (2019) [E1]. The Guarantee was subsequently adopted in the ILO's *Centenary Declaration for the Future of Work* (June 2019) [E1]. As the Director of the ILO Conditions of Work and Equality Department attests: "The project's Multidimensional Model of UFW underpins the *Declaration* – the flagship instrument of the Organization in its centenary year – by proposing universal protections that extend beyond basic human rights to encompass working conditions (wages, working hours, safety and health) [E1].

- **Unacceptable Forms of Work.** The research has also had what the Director of the ILO Conditions of Work and Equality Department describes as a "crucial influence" at the country-level by providing a framework for ILO interventions on Unacceptable Forms of Work in Benin, Bolivia, Brazil, Costa Rica, India, Malawi,

Morocco, Pakistan, Pacific Island countries, southern Africa, Thailand and Uzbekistan [E1].

- **National employment policies.** The project's "findings and recommendations on effective labour regulation [are] … exceptionally valuable to [the ILO] in developing and strengthening employment policies which fully integrate effective labour regulation," as confirmed by the Director of the Employment Policy Department. In this regard, the research has influenced employment policy in China, Indonesia, Mozambique, the Philippines, South Africa, and Uganda [E2] and discussions with the International Monetary Fund, World Bank and OECD [E2].

National impact: insecure work in Australia/labour exploitation in Wales

The research has impacted labour law and policy in Australia and Wales through collaborations initiated as part of McCann's ESRC Strategic Network on Unacceptable Forms of Work.

In Australia, the report of the Victorian Government's *Inquiry into the Labour Hire Industry and Insecure Work* used McCann's model of UFW as a framework for conceptualising insecure work ([E5], pp 264, 266-267; [E6]). The regulatory approach from the research – specific regulation – underpinned legislative change: in response to the Inquiry, the Victorian Government legislated a licencing scheme for labour hire services that specifically regulates vulnerable categories of work (Labour Hire Licensing Act 2018 (Victoria, Australia) [E6].

The model has also been adopted by the Australian trade union movement, particularly influencing the Victorian Trades Hall Council (VTHC) (a peak-level TU confederation of 40 unions and 430,000 members) through the efforts of Lisa Heap, Women's Lead Organiser of the VTHC and a member of the UFW Strategic Network. Heap attests that "this research has been vital to the VTHC in shaping its policies on precarious work and gender discrimination" [E6]. In particular, she has used it in her work leading the State of Victoria's first Women's Rights and Safety Unit, a partnership between the Victorian state government and the union movement to address gender inequality among Victoria's 1.5 million women workers [E6].

The research has shaped the VTHC's submissions to the *Inquiry into the Labour Hire Industry and Insecure Work* [E7, p7] in which it was "particularly valuable in offering a multi-dimensional approach to resolving issues associated with insecurity that is more comprehensive and sophisticated than other models" [E6]. The research was also used in VTHC submissions to the Australian Parliament Senate Standing Committee investigation of *Gender Segregation in the Workplace and its Impact on Women's Economic Equality* ([E8], p 19).

Heap also attests that her "engagement both with the UFW framework and the Strategic Network on Unacceptable Forms of Work was influential in the development of" *Victoria's Women in Construction Strategy* – commissioned from Heap by the Victorian government to increase women's participation in building and construction. Through Heap, the research also informed the work of the Victorian Ministerial Council on Women's Equality, including in Victoria's first ever Gender Equality Strategy, *Safe and Strong* [E6].

In Wales, the research has shaped the Welsh Government's policy on tackling workplace exploitation [E9]. The Government's position paper on *Brexit and Fair Movement of People* drew on McCann's model to underpin the employment dimension of Welsh migration policy, which is centred on tackling exploitation [E9]. The Model was used to develop the concept of a spectrum of exploitation in labour markets and helped to shape the Government's response: forceful enforcement of labour legislation and the extension of collective bargaining and trade union access [E9]. This policy was subsequently developed by the Welsh Fair Work Commission to recommend social partnership legislation and a Fair Work Agency, both now forthcoming in a Social Partnership Act and Social Partnership and Fair Work Directorate (2020) [E10].

5. Sources to corroborate the impact

[E1] Testimonial evidence, Manuela Tomei, Director of the Conditions of Work and Equality Department, ILO, Geneva

[E2] Testimonial evidence, Sangheon Lee, Director of the Employment Policy Department, ILO, Geneva

[E3] Deirdre McCann and Judy Fudge *The Legal Regulation of UFW* (ILO 2015)

[E4] ILO Area of Critical Importance: Protecting Workers From Unacceptable Forms of Work (19 February 2015), para 11

[E5] Victorian Inquiry into the Labour Hire Industry and Insecure Work *Final Report* 31 August 2016 (State of Victoria 2016)

[E6] Testimonial evidence, Lisa Heap, Women's Lead Organizer, Victorian Trades Hall Council (VTHC), Victoria, Australia

[E7] Victorian Trades Hall Council Submission *Inquiry into Labour Hire and Insecure Work* December 2015 (VTHC 2015)

[E8] Victorian Trades Hall Council *Submission to the Inquiry to Gender Segregation in the Workplace and its Impact on Women's Economic Equality* (10 February 2017)

[E9] Welsh Government, *Brexit and Fair Movement of People. Securing Wales' Future* (Welsh Government 2017), pp. 7, 21, Annex E

[E10] Welsh Government, White Paper, *A More Equal Wales: Strengthening Social Partnership* (2019)