

Review Article

A band aid on a gaping wound: Taylor and modern working practices

Good Work: The Taylor Review of Modern Working Practices, reviewed by Phil Taylor

When charged with the task of commenting on the Taylor Review, it is tempting to dive straight into an evaluation of its detailed treatment of the platform/gig economy, its consideration of worker/employee status, definitional issues associated with control/dependence (Wood and Graham, 2018) and the merits of its recommendations in relation to these. Although undoubtedly important, focus on these largely technical and legalistic considerations should not occlude reflection on the origins, contexts, assumptions and the purported wider purposes of the review.

To recall, for Taylor the review was intended to contribute to ensuring that 'all work in the UK should be fair and decent with a realistic scope for development or fulfilment'. It is against the yardstick of this explicitly 'stated objective' that the report should be judged and which, it is argued here, it spectacularly fails to do. If the intention was to undertake a specific examination of zero hour contracts (ZHCs), the gig economy and self-employment, then these parameters should have been explicitly articulated, and the review should not have claimed to be concerned with 'modern working practices' more broadly. Indeed, the declared remit included 'not just new forms of labour such as gig work' but a consideration of 'good work in general' (p. 7). Thus, it is legitimate to critique the review for sins of omission as much as for its sins of commission.

After all, the review was prompted by urgent societal concerns surrounding work and employment in contemporary Britain, which of course included the much commented upon employment rights' deficits relating to ZHCs, (bogus) self-employment and the gig economy, but were not exclusive to them. The revelations of the terrible conditions at the Sports Direct warehouse at Shirebrook—one of the triggers for the Conservative Government's decision to initiate the review—seemed to many to epitomise the ills of modern workplaces; low paid, insecure employment, consisting of arduous toil, performed by disposable workers lacking elementary rights and for whom in-work poverty was an inescapable condition. The 'Just About Managing', to whom Prime Minister May appealed were not mainly Uber or Deliveroo workers or those on ZHCs but all kinds of workers, including those full-time permanents who remain the bulk of the UK's workforce. In tacit acknowledgement of widespread negative perceptions regarding the 'quality of work', commissioning the Taylor Review represented an attempt to demonstrate that something was being done to meet their concerns.

Setting aside the specific question of the appropriateness (or otherwise) of the recommendations for gig/platform workers and the self-employed that have been dealt with effectively by Bales *et al.* (2018) and others, including contributors to this special issue, the Taylor Review is plainly deficient in getting to grips with many of the unwelcome 'modern working practices' in contemporary Britain. The review's near-exclusive concentration on the labour market, or more accurately its sanitised version of the UK's labour market, and contractual issues, means that it ignores change in the realms of work organisation, labour process and employment relations that undermine work quality.

Take, for example, work intensification, long identified as having deleterious consequences for workers (Green, 2006; McGovern *et al.*, 2007). The trend continues to see workers required to commit ever greater amounts of effort. Green *et al.* (2018) have recently identified the problem of high workload with workers 'continually having to meet tight deadlines, operate at high speeds or just generally [having to] work intensively'. More than a decade ago, McGovern *et al.* (2007: 151) could conclude that 'Overwork is a widespread condition among employed people in Britain', a malaise exacerbated by the effects of the competitive and cost-reduction imperatives that dominate managerial strategies in post-crisis and austerity conditions. Workers of all kinds have become more exposed to both the chill winds of market pressure and to growing bureaucratic discipline, the combined consequences of which are increases in work strain or work stress. Nor, relatedly, does the Taylor Review refer to the continuous waves of organisational restructuring and re-engineering and the transposition of lean methodologies from manufacturing environments to clerical and service work and the professions (Carter *et al.*, 2013). The omission is all the more notable because work intensity is particularly a problem for the UK and is a cause of inequality in job quality among UK workers (Green *et al.*, 2013).

So Taylor's review was undertaken at a particular historical conjuncture, the post-crisis conditions of the 'new normal', in which workers almost universally became compelled to 'do more with less'. A key element of the recalibrated managerial strategies directed at pumping increasing amounts of effort and value from workers has been the ubiquitous implementation of targets, metrics, stats, deliverables, key performance indicators, service level agreements, dashboards and so on, the bane of so many workers' lives, which justifiably is attracting critical attention (Muller, 2018). Lest it be thought that only 'routine workers' experience claustrophobic monitoring and measurement, it is salutary to remind ourselves of the pervasive rankings and ratings that bedevil UK higher education, whether REF, TEF, NSS¹ or workload models and accountability criteria and which similarly dominate the quotidian work lives of *inter alia* teachers, medical professionals, senior civil servants, social workers, telecom engineers and IT professionals. As organizations translate market imperatives or budgetary constraints into operational targets, differences inevitably exist in the intensity of implementation between occupations and grades, and the interconnections between macroeconomic context and front-line metrics are not always immediate, but there is a discernible commonality in direction, in the top-down causal chains that generate unprecedented levels of pressure on workers.

Integral to these regimes of leaned, metric-driven, intensified work are reconfigured systems of performance management that constitute harsher forms of discipline. The ranking of workers, often still according to forced distribution, and the accompanying performance appraisals based on them have become among the most intrusive and disliked 'modern working practices', generating a widespread perception of inequity and a profound insecurity particularly for so-called underperforming workers, who face performance improvement plans and even managed exit (Taylor, 2013). Job insecurity, more generally, is not, as Taylor Review would have it, merely a function of labour market precarity and/or associated with job tenure insecurity, but can take other forms, including job status insecurity (Gallie *et al.*, 2017).

Then there is the neglect of the ill-health outcomes for workers deriving from this toxic mix of modern working practices—work overload, intensification, lean working, stretch targets and insecurity. The latest HSE statistics make dismal reading. Of the 1.4 million cases of work-related ill-health, 595,000 are of work-related stress, depression and anxiety (HSE, 2018a) and 469,000 of work-related musculoskeletal disorders (HSE, 2018b). In the context of this (unacknowledged) epidemic of occupationally related ill-health, the Taylor Review offers mere blandishments with improvements for health and well-being considered insofar as they are consistent with a business case (p. 97).

This litany of injurious 'modern work practices' is selective, but mention must be made of presenteeism, defined as 'people working when unwell' (CIPD, 2018); 86 per cent of survey respondents reported presenteeism in their organisations over the last 12 months, an increase from 72 per cent in 2010. Taylor Review's naïve faith in 'responsible corporate governance' and 'good management' to deliver better work is questioned by findings showing the number of organisations challenging this undesirable practice as halving from 48 to 25 per cent between 2016 and 2018. While under non-standard contracts, pay is predicated upon presence, for others coming to work when unwell is at least partly explicable by reference to tightened sickness absence policies and practices, where metrics and triggers are marshalled to punitive effect (Taylor *et al.*, 2010; Main, 2018).

Turning to Taylor Review's sins of commission, a starting point of critique is its advocacy of the so-called 'British way', 'the distinctive strengths of our existing [flexible] labour market' (p. 7), that has created record numbers of jobs. This paean of praise rings hollow when set against the extent of in-work poverty, which is higher now than at any time in the last 20 years at an estimated four million workers, a rise of over 0.5 million in the last five years (JRF, 2018). Rather than evading this uncomfortable truth, a meaningful response would have been to have undertaken a robust analysis of the labour market's palpable failings in this respect and considered appropriate remedial action. However, the radicalism required to realise the stated objective of good work for all would not have been countenanced by Taylor's business-friendly approach. Take another labour market failing, the continuous fall in real wages. The Taylor Review does make reference to 'stagnant' take home pay but seriously understates the extent of the problem, for real wages have been in decline now for 10 years (TUC, 2018). The disjuncture between Taylor's depiction of the UK labour market and the lived experience of millions of workers is remarkable.

The Taylor Review does acknowledge fleetingly that certain labour markets may lead to poor outcomes at 'the individual level'. It could hardly fail to do so, given the furore over Sports Direct at Shirebrook. However, consistent with the review's wider disregard for academic and empirical research (Bales *et al.*, 2018: 55), it fails to even scrutinise the BIS report from which lessons could have been learned. In a few paragraphs (p. 26) it claims to answer the question, 'Why the labour market does not work for everyone?', proposing the key factor as being 'an imbalance of power between individuals and employers', where dominant local employers or dominant employers of certain skills constrain employees over 'who they work for', conceding that they 'could struggle to get another job if they were to leave an unsatisfactory job'. However, such instances are treated as aberrant, localised exceptions to successful job creation and employees' exercise of choice. The problem here is that Taylor Review disregards how workers' options are predetermined, not merely by government policy, but by the construction of labour markets according to employers' interests. It disregards structural factors, including the legacies of labour market fragmentation (such as those caused by deindustrialisation), that make entry into decent paid employment difficult, unsustainable or inappropriate and which mean highly constrained choice at best.

The worst that Taylor can conceive of is the exceptional case of monopsony, where a dominant local employer engages in 'exploitation' of surplus labour. Yet for millions of workers, access to 'modern' work is hardly a 'free' choice between jobs of varying degrees of quality but a highly constrained choice. The essential problematic unaddressed by Taylor, 'Third-Wayers'² and neo-liberals alike is under what conditions can workers make choices. A far better question to have posed and sought to answer by interrogating the plentiful academic and policy research would have been 'Why the labour market does not work for millions of workers?' Moreover, as this author demonstrates in an article on the labour market realities facing Amazon workers in South Wales (Briken and Taylor, 2018), even constrained choice is beyond the reach of many who face an inescapable compulsion to take jobs of the poorest quality. In the context of UK's punitive workfare system and

the pervasive imposition of benefit sanctions (Fletcher and Wright, 2018), the only choice these workers have is no real choice, either take the degraded jobs on offer or face loss of benefit and extreme privation. The experience of work and working lives at the bottom end of the UK labour market, vividly and scathingly described in Bloodworth's (2018) blistering account of the desperation of the low-pay, no-pay cycle (Shildrick *et al.*, 2012), simply lie beyond Taylor's purview. These uncomfortable truths that would tarnish the depiction of 'the British way' are simply disregarded.

An underlying conceptual difficulty stymieing critical analysis is Taylor Review's acceptance of neo-liberal assumptions regarding choice, refracted through Taylor's own New Labour and third-way experience. Over and again the trope is repeated that in employment and jobs individuals should be able to decide. Choices should be facilitated by light touch legislation and not regulation which might constrain employers' prerogative. The employment relationship is constructed as individualistic, a fair and implicitly equal exchange between the buyers and sellers of labour, in which the latter can exercise choice to improve their work situation. The Taylor Review's cavalier use of the terms 'imbalance' and 'exploitation' are problematic, regarding them as exceptions to the interplay of these choices. Any Industrial Relations undergraduate would understand something that Taylor appears not to, that the employment relationship does not take place between stakeholders exercising equivalent degrees of choice on a level playing field. Rather, imbalance is intrinsic to the capitalist employment relationship and labour process, an inescapable asymmetry of power, in which employers dominate, control and exploit workers.

Any serious attempt to understand the sources of the growth in atypical contracts, agency working, one-sided flexibility, ZHCs, outsourcing, worker precarity and so on would consider the significance of macro political-economic change over decades and its deregulatory consequences that have profoundly shaped the worlds of work and employment, in the contexts of changing product markets and industrial restructuring. Concomitantly, such an endeavour would also understand the decline in collectivism, shrinking trade union coverage and the major shift in the balance of power to employers and managers from labour. Remedying the injurious consequences for workers of 'modern working practices' will require radical change that reverses the decline in collectivism and restores the counter-vailing power of unions (Nolan, 2018) to check the largely unbridled managerial prerogative.

The Taylor Review offered an opportunity to at least lay down the basis for radical policy change by challenging the normalisation of unacceptable practices. For example, it could have recommended the proscription of ZHCs or robust regulatory punishment of employers exploiting bogus self-employment. Some might claim that certain recommendations do enhance worker rights, such as the requirement for employers to provide a written statement of terms from day 1 and, of course, this step would be welcome, but by any criteria it is such an elementary measure when set against the enormity of the deficits in worker rights. Nowhere is the review's timidity more obvious than in its failure to call for the abolition of Employment Tribunal fees which the Supreme Court did shortly after publication. Essentially, eschewing meaningful collectivism it resurrects the Information and Consultation (ICE) Regulations as a vehicle for voice, which have been demonstrated to be wholly ineffective (Hall *et al.*, 2015).³ Others have effectively critiqued the detailed legalistic recommendations (Bales *et al.*, 2018; Moore *et al.*, 2018; Wood and Graham, 2018) which do not need to be repeated here but suffice to say that even the celebrated innovation of formulating the dependent contractor status may obscure more than it clarifies and even stymie the enhancement of worker rights.

It is difficult to see what workers on the receiving end of 'modern working practices' might gain from the Taylor Review's recommendations, even were they to be implemented. A series of 'motherhood and apple pie' platitudes and

injunctions for 'more employers [to behave] as the best do' (p. 50) are destined to bring no meaningful remedy. If 'the best way to achieve better work is responsible corporate governance' (p. 111), then Godot is hardly likely to turn up. In the final analysis, the Taylor Review is not 'independent' in any meaningful respect and radical proposals, particularly insofar as they might involve robust regulation and enforcement that challenged managerial prerogative, were rejected *a priori* for as the review states it is necessary to work 'with the grain of business practice'. Ultimately, it was a damage limitation exercise that tinkers around the edges of the problems of modern working practices, serving the political purpose of demonstrating that something was being done.

Notes

- ¹ REF = Research Excellence Framework; TEF = Teaching Excellence Framework; NSS = National Student Survey
- ² The Third Way was/is an attempt to meld centre-right and centre-left politics, rejecting both Marxist and state socialism and, it is claimed, the excesses of an unrestrained market capitalism to produce a distinctive political position between them. In the UK, leading sociologist Anthony Giddens was a strong advocate of the Third Way, which became a significant ideological influence on Tony Blair, New Labour and the post-1997 government. A useful critical analysis is Callinicos (2001).
- ³ It could have recommended the abolition of the 2016 Trades Union Act and its iniquitous provisions.

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