



## Health and Safety in the Gig Economy



- ▶ The number of firms employing independent workers for short term jobs or 'gigs' is a style of employment that has increased rapidly over the last few years. This has given rise to what has been termed the 'gig economy'.
- ▶ It is estimated that in the UK 5 million people are employed as independent workers with many carrying out multiple jobs or 'gigs' at any one time. (*BBC News, 2016*). Research carried out by Oxford University also found that in 2016 the demand for gig workers rose sharply with the UK seeing the fastest growth in the size of its gig economy of any major economy.
- ▶ Gig economy workers are classed as self-employed and are not entitled to the same employment rights and protections that employers must provide to permanent employees. Permanent employees are entitled to receive minimum wage, holiday pay and to take sufficient rest periods but employers are not under any obligation to provide these benefits to 'gig' workers.
- ▶ The health and safety of gig workers is therefore an area of concern. The environment in which these workers are employed is commonly demanding and target driven. Negative impacts on the health and safety of these individuals is a concern, with reports of gig workers feeling unable to turn down work for fear of not meeting targets, working when sick and feeling discouraged from taking adequate rest breaks.
- ▶ Some companies often fail to deliver adequate safety training to gig workers as they are reluctant to invest time and money when they are under no legal obligation to do so. The welfare and training of permanent employees is prioritised leaving gig workers to take their health and safety into their own hands.
- ▶ The combination of short term gig work and other factors such as low pay have created what the British Psychological Society have described as 'precarious work'. Individuals undertaking this type of work are potentially exposed to an increased likelihood of physical and mental ill health.
- ▶ During 2016, legal action was instigated against several large companies, most notably against taxi booking firm Uber who claimed it should not be classed as an employer as it was only providing a software platform to self employed drivers. The tribunal found against Uber and ruled that it should be classed as an employer, responsible for the health and safety of its employees, and that workers should have all the associated employment benefits available to them.
- ▶ Retailer, Sports Direct, was the subject of an inquiry due to concern over working conditions and zero hour contracts. The inquiry found that there had been 115 incidents at its site over the last 6 years including 80 RIDDOR reports submitted to the HSE (including a

fracture to the neck and head injuries). The committee called for Sports Direct to immediately review their health and safety arrangements and suggested that the relevant enforcing authority for the site should take a more active role to ensure practices are adhered to.

- ▶ For many workers and employers the gig economy model can offer numerous benefits. Employees can benefit from an additional stream of income alongside

their existing job thanks to the flexible working hours on offer. Employers can take advantage of the efficient and cost effective nature of this style of employment and react efficiently to changing market demands. As we look to the future, the biggest challenge for employers will now be how they combine this style of working with the adequate management of the health and safety of their workforce.

*"AG's health and safety offering 'sits at the top of the tree', and combines 'meticulous preparation with first-class client handling'."*

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## How we can help

PROACTIVE ADVICE	IF THINGS DO GO WRONG...
<ul style="list-style-type: none"> <li>▶ Legislation, regulations and policies</li> <li>▶ Strategy and proactive audits</li> <li>▶ Criminal and civil liability</li> <li>▶ Policies and risk exposure</li> <li>▶ Corporate due diligence</li> </ul>	<ul style="list-style-type: none"> <li>▶ 24/7 crisis support for major incidents and investigations by the relevant regulatory authority</li> <li>▶ We mount our own legally privileged investigations on behalf of clients in order to protect their position with regard to anticipated civil and criminal proceedings</li> <li>▶ Representation from initial dealings with regulatory authorities through to trial</li> </ul>
TRAINING YOUR TEAM	REDUCING COSTS
<ul style="list-style-type: none"> <li>▶ Training for all levels of your business</li> <li>▶ Crisis management and the Health &amp; Safety (Offences) Act 2008</li> <li>▶ New sentencing guidelines for health and safety and food crime matters</li> </ul>	<ul style="list-style-type: none"> <li>▶ Competitive fee proposals</li> <li>▶ Embedded Transaction Services Team of paralegals</li> <li>▶ Development of standard precedents and approaches</li> <li>▶ Sharing industry know-how, market practice and horizon scanning updates</li> </ul>

## Who we have helped

Having been entrusted with the work of the **Health and Safety Executive** for over 25 years, we have considerable experience in this area combining both prosecution and defence work. We voluntarily handed back this contract to concentrate on defence work. This almost unique and unrivalled offering within the UK's legal market provides us with a platform to give our clients balanced, incisive and commercial advice on any health and safety issues arising out of their business activities. It also enables us to provide practical insight when assessing clients with pro-active audits – we can look at a client's systems with the "eyes" of the regulator.

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