

A new shape of lawyer

There seem to have been a lot of newspaper articles recently about the differences between workers and those who are self-employed. Why has this issue suddenly come to the fore?



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It is certainly the case that there have been a number of recent examples of Employment Tribunals being asked to consider the employment status of workers. This is because workers have some employment rights, whereas self-employed contractors do not.

In the latest legal battle, a Judge ruled that a bicycle courier working for the logistics firm City Sprint should indeed be classed as a worker and was therefore entitled to rights including holiday pay and a minimum wage.

The case has obvious parallels with the high-profile claim brought by a couple of Uber drivers last year. They too had persuaded a Tribunal that it was wrong for them to be classed as “self-employed.”

The reason for the sudden focus on this particular issue is the growth of the so-called “gig economy.”

This is the term which has come to be associated with the five million or so Britons employed on short-term contracts or a freelance basis, as opposed to permanent jobs.

Maggie Dewhurst, who brought the claim against City Sprint, said that there was a fear among the workforce that they would get less work in future if they turned down a job and argued that it wasn't fair that workers were denied many basic rights.

The firm itself maintained that it enjoyed “a good relationship” with its fleet and said that many of the couriers enjoyed the flexibility that the employment model afforded them.

The case was one of four claims which have been launched against different courier firms and was the first to be decided by a Tribunal. Trade unions hope that Ms Dewhurst's victory increases the likelihood of similar rulings in the three outstanding cases.

Meanwhile the Government appears to have recognised that the gig economy has opened up a number of questions about modern working practices and has commissioned a review, due this spring.

If you would like advice about the law relating to employment status please call Hethertons employment team on 01904 528 200 and speak to Jo or Gill.