



Company Guidance: Workforce Composition



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In this briefing

Introduction

Meaning 1

Why data matters 2

Causes 3

The current situation

Consequences 4

Effect companies? 7

What is being done 8

Legal framework 11

International law 11

National law 12

Taking action

Do you have sufficient data? 13

How we can help 15

Resources 16

What do we mean by workforce composition?

There are two components to workforce composition.

The structure and location of the workforce refer to both the overall volume and the geographical spread of workers delivering core services on behalf of a company.

Contract types refer to the different forms of relationships between the company and its workers. This includes directly employed workers on contracts that are indefinite/permanent, fixed-term/temporary, full-time, part-time or non-guaranteed hours. It also covers workers who are not employed by the company, but work in the company's direct operations, such as contractors (including those considered independent contractors/self-employed), agency workers, franchisee workers, and third-party on-site workers (for example, subcontracted service workers and third-party contract workers.)

A full list of terms and their definitions can be found in the [WDI glossary](#).

A note on terminology

For this briefing, the term contingent workers will be used to refer to any workers not on a permanent contract i.e. those who are hired on a per-project or fixed-term basis. This, therefore, includes fixed-term/temporary workers, non-guaranteed hours employees, contractors, agency workers and any other workers not on a fixed-term contract. Many different terms can be used to describe work that may fall into these categories, or contracts that are not permanent, such as the gig-economy, non-standard employment, casual work, and insecure work.



Why does data on workforce composition matter to investors?



“The ongoing pandemic has reminded investors both how reliant they are on working people, and how precarious work puts pressure on workers, especially those who are low paid and cannot work from home, to do their job even when they are sick. For investors like Northern LGPS to be able to contribute positively to the creation of good jobs we need comparable data on the type of employment offered by companies. Yet at the moment only a small minority of issuers provide any information on the composition of their workforce. We welcome the WDI’s focus on this aspect of working practices and strongly believe that standardised reporting of workforce metrics is a pressing requirement for effective stewardship.”

- Cllr Cooney, Chair of Northern LGPS



“The fact that companies have been allowed to disclose so little on their workforce composition for so long has hampered investors who care about the social impacts of their investments. Employment decisions are not only financially material to the company, but they impact the health and economic wellbeing of their workforce and the wider communities in which they operate. Without data on workforce composition we have little ability to detect risks such as gender or racial disparities, deterioration of job quality, and the extent to which major trends and targets, such as towards automation or decarbonisation, will impact different groups of workers.”

- Alice Martin, Labour Specialist, PIRC Limited

What shapes companies' workforce composition?

Structural forces and economic trends shape how companies compose their workforces.

In the service sector, volatile demand increases the pressure for flexibility from companies and their workers,¹ promoting the use of more flexible contract types. In manufacturing industries, intense international competition caused by globalisation has encouraged cost-cutting measures, such as outsourcing and subcontracting. New technologies and better infrastructure have also made it easier than ever for companies to manage operations dispersed across the globe, reducing the need for permanent employees with high levels of oversight.

There have also been supply-side cultural shifts. Women's increased participation in the labour market has driven demand for shorter or more flexible hours of paid work, often provided through contingent contracts, that can fit around unpaid labour such as caring responsibilities.²

While these structural forces can have an impact, ultimately the choice to use certain contracts rests with companies.

Companies have increasingly outsourced tasks such as cleaning, IT and payroll to focus on 'core functions' while also turning to contingent contracts to provide them with the flexibility to adjust their workforce as needed and reduce costs. Economic instability also affects the extent to which firms rely on contingent labour. In times of economic uncertainty, companies are often cautious about hiring permanent, full-time staff. However, this means when crises hit, contingent workers are often the first to lose their jobs.³

The decline in unionisation and collective bargaining has also created circumstances where contingent contracts have increased.

Collective bargaining previously regulated employment practices in many companies, allowing companies and sectors to adapt norms to their specific needs. As collective bargaining has declined, regulatory gaps have emerged in many sectors. These gaps, along with changes in workplace norms, have given rise to practices such as contracts with very few or no minimum working hours ('mini hours' or 'zero hours' contracts) and 'just in time' scheduling. In the 1980s and 1990s, many countries introduced labour reforms to stimulate job growth, promoting greater use of contingent labour, even for jobs that aren't temporary.⁴



What are the consequences of workforce composition for workers?

Companies' workforce structure and use of contract types don't always pose risks to workers. Workers on permanent contracts can, usually, access the full range of social and employment benefits and labour protections available. Even for workers on contingent contracts, these contracts can, when used appropriately, offer workers greater flexibility.⁵ Greater diversity in working arrangements has also allowed more workers to enter the labour market.⁶

Nonetheless, contingent contracts can negatively impact workers in a variety of ways. Workers can experience greater insecurity due to the temporary nature of these contracts.⁷ Contingent workers also don't receive the employment benefits permanently contracted employees are usually entitled to (such as holiday leave, sickness pay, and training and development opportunities).⁸

Contingent workers' right to collective bargaining is limited.

Contingent workers are less likely to have a means of representation in the workplace and are less likely to be trade union members than those with a permanent contract because of the non-permanent and often dispersed nature of contingent work.⁹ Union membership is correlated with higher wages, improved health and safety, and reduced inequality,¹⁰ and so the inability to collectively bargain ultimately results in worse working conditions now and a reduced ability to improve them in the future. A study of the gig economy in South Africa showed that of 12 of the country's largest digital labour platforms, only two published statements committing to recognise a collective body if one were organised by workers.¹¹

The nature of contingent contracts can harm workers' mental health and wellbeing.

Uncertainty around the stability of employment, inconsistent pay¹² and irregular working patterns¹³ can all contribute to contingent workers experiencing worse mental health outcomes and lower job and life satisfaction than their permanent counterparts.¹⁴ Analysis of workers in Europe showed that temporary agency workers experience higher levels of depression and fatigue compared to permanent employees.¹⁵ This also applies across sectors, with poor mental health reported by contingent workers in the UK in sectors as diverse as retail, higher education, and logistics.¹⁶

Workers on contingent contracts are more likely to be living in poverty.

The temporary nature of pay for contingent workers, different pay structures (e.g., payment on a 'per piece' basis rather than per hour/per annum), the inability to plan finances and save, and a reduced ability to improve pay through collective bargaining, have all been shown to increase the risk of poverty for contingent workers.¹⁷ This is exacerbated by contingent workers' lack of access to employment benefits, such as paid holiday and sick leave, and social security benefits as they don't meet thresholds on contributions or benefits.¹⁸

Around 16 per cent of temporary and part-time workers in EU member states and the UK were at risk of poverty in 2017, almost three times the share observed for standard employees. Contingent workers in food delivery¹⁹ and logistics²⁰ in the UK, and Uber drivers in the USA, have been found to make, on average, below the legal minimum wage.²¹ In Brazil, gig economy delivery drivers have been found to earn USD 1.15 to 1.91 an hour on average.²²

Contingent work can also serve as a barrier to more secure, better-paying work. In Japan, contingent work has been shown to delay individuals' transition to standard employment more than remaining jobless. When men transition back to standard employment, they have a lower occupational status than if they had remained unemployed.²³ This can have both short-term consequences in terms of pay and poverty (due to workers opting to remain unemployed rather than seek contingent work for fear of the broader career impacts) and long-term impacts (by limiting workers' ability to find higher quality employment when they do return to standard employment). These long-term impacts have also been identified in the UK, Italy, and Germany, where low-paid, contingent contracts were found to trap workers in low-quality jobs.²⁴

Contingent contracts can further entrench and exacerbate existing marginalisation and inequality.

Young, older, female and ethnic minority workers are more likely to be on contingent contracts. In the UK, more women than men are employed on zero-hour contracts,²⁵ and Black and ethnic minority young adults are 47 per cent more likely to be employed on a zero-hour contract than white young adults.²⁶ In the USA, contingent workers are twice as likely to be under 25.²⁷

While certain groups' desire for flexibility is often given as the reason for their disproportionate representation on contingent contracts, research in Wales has shown that over 40 per cent of jobs in sectors traditionally dominated by women are offered on a part-time basis.²⁸ This casts doubt on the extent that these contracts are a choice, instead suggesting they are entrenching existing labour market inequalities.

It should be noted that while all the risks outlined can be experienced by contingent workers, they may manifest differently, and be more or less severe, based on the specific relationship between the business and worker. Impacts can also be influenced by other factors such as the sector of the company, and the national legal framework the company operates in.

The lack of adequate income and employment protection has meant that contingent workers face more acute risks in the COVID-19 pandemic.

Contingent workers are less likely to take time off when sick due to limited access to paid sick leave and concerns about losing jobs.²⁹ This is especially concerning given that frontline workers, who face higher risks of exposure to COVID-19, are much more likely to be on contingent contracts, with almost a quarter of elementary workers in the UK (such as taxi drivers, shop assistants and security guards) on these contracts.³⁰

In European OECD countries, contingent workers faced a higher risk of losing their jobs and lower chances of being enrolled in short-time work schemes.³¹ Similarly in the WDI survey, COVID-19 was cited as the primary reason that companies anticipated a change in their contingent workforce. If contingent workers do lose their jobs, they are 40-50 per cent less likely to receive any form of income support during periods out-of-work than standard employees, and when they do receive benefits, they are often significantly less generous.³²



How can workforce composition affect companies?

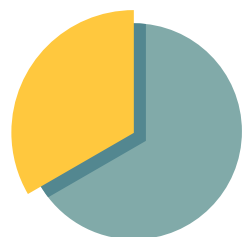
Workforce composition that may be harmful to workers can have significant impacts on companies' performance and risk exposure. These include:

- Decreased company value^{33, 34}
- Increased likelihood of industrial action.³⁵
- Litigation risks and fines^{36, 37}
- Reputation and brand damage³⁸
- Less effective company performance^{39, 40}
- Higher costs and lower efficiency.⁴¹



What are businesses doing about workforce composition?

Data from the 2020 cycle of the WDI provides an insight into how companies are addressing workforce composition:



Less than a third of companies provided data on the number of non-employee direct operations workers.



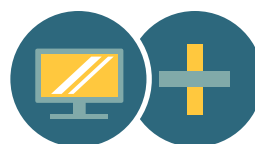
No US companies provided information on the number or percentage of their contingent workforce as a proportion of their total direct operations workforce.



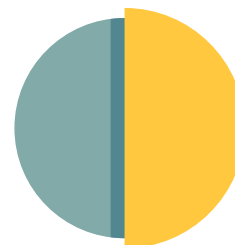
Just 9 per cent of companies gave the gender breakdown of their contingent workforce.



Men are overrepresented in higher-paying parts of the contingent workforce – there were three times as many men working as independent contractors for responding companies than women.

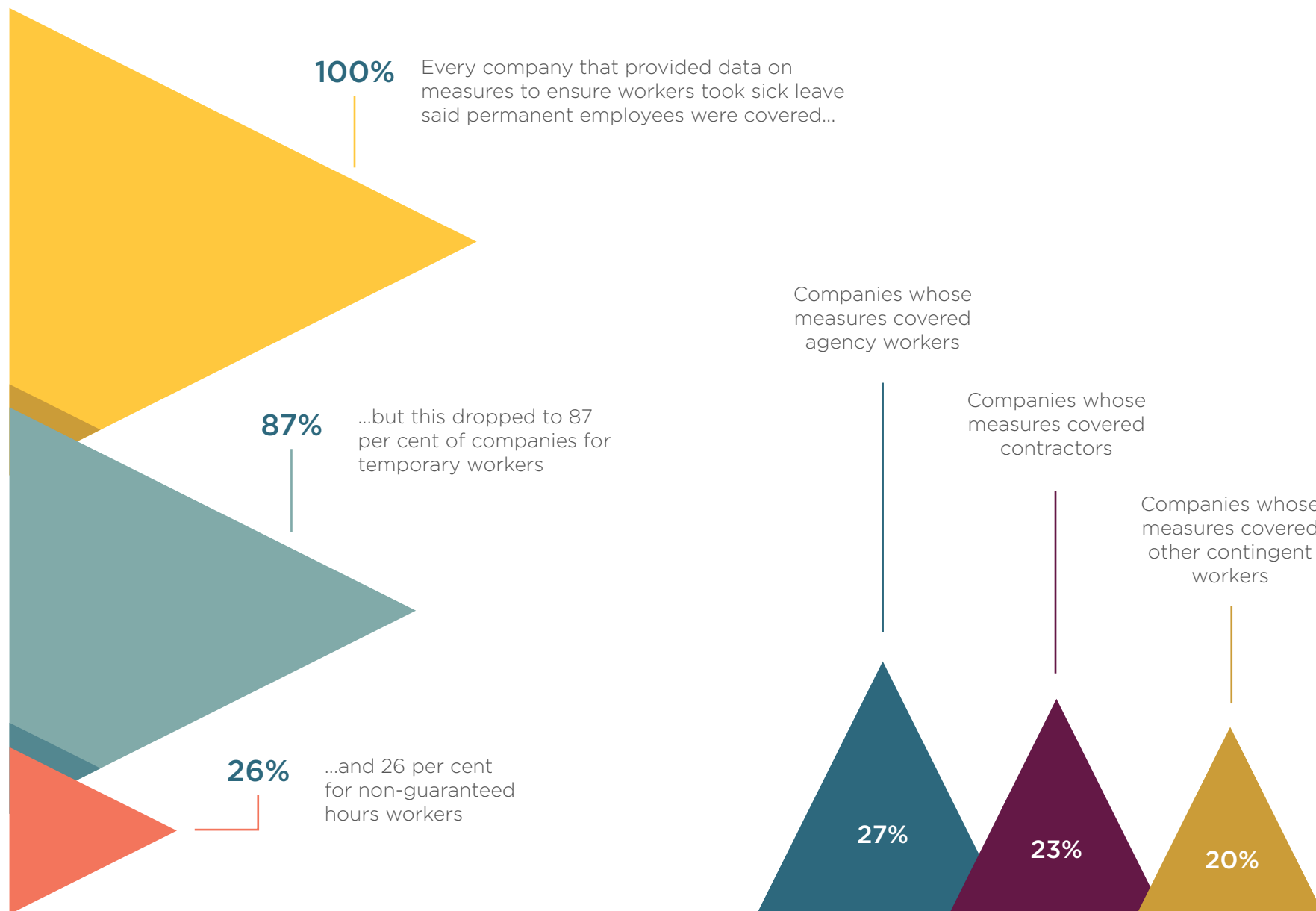


IT and healthcare companies provided no data on the gender breakdown of workers on different contract types.



Nearly half of companies didn't explain how they are working to improve wages for workers who were not directly employed by the company, if not already paying the living wage.

Data on measures to ensure workers took sick leave



Positive steps and areas for improvement in company practices

Some companies are taking action to mitigate some of the negative consequences of certain contract types and forms of workforce composition.

To mitigate the risks of contingent workers being pushed into poverty, some companies with large contingent workforces are becoming Living Wage accredited employers, providing all workers with at least the Living Wage.⁴² For Asian e-grocer honestbee, workers are classified as independent contractors but are paid on an hourly basis, rather than on a per-delivery basis,⁴³ which can provide greater financial stability. Food delivery company Just Eat is also rolling out minimum wages, sick pay and holiday pay to its takeaway couriers, moving to a blended model of workers directly employed via an agency and independent contractors.⁴⁴

Even when companies take positive steps to protect workers, these are not necessarily enough.

Just Eat riders are still being paid little more than the legal minimum wage, which has been shown to increase levels of in-work poverty.⁴⁵ Similarly, a collective bargaining agreement between Uber and the GMB union was the first time Uber had recognised a union, but Uber excluded pay from the issues on which it will permit collective negotiations, significantly weakening the power of the deal.⁴⁶

Despite the well-documented risks of doing so, the use of contract types that pose greater risks to workers is increasing.

In Europe, most newly created jobs are forms of contingent work⁴⁷ and in Japan, nearly all job growth since the early 1990s is due to increases in temporary work.⁴⁸ It is estimated that by 2050, 50 per cent of the US workforce will be made up of contingent workers.⁴⁹

There have been some especially stark examples of companies failing to address the negative impacts of contingent contracts on their workforce, especially in the gig economy. Research examining the working conditions of digital platforms in India showed that seven of the 11 most prominent platforms could not demonstrate that their workers earned at least the minimum wage after accounting for costs.⁵⁰ In the USA, Uber drivers have been found to earn an average equivalent wage of USD 9.21 an hour, with drivers receiving an hourly wage below the mandated minimum wage in 13 out of 20 of Uber's major urban markets.⁵¹ Deliveroo riders in the UK have been found to earn below the legal minimum wage, with some earning as little as GBP 2 an hour.⁵²

Despite these clear violations of worker's rights, it has often only been after legal intervention that companies have changed their practices. This was the case for Uber in the UK Supreme Court, which confirmed that Uber drivers are workers and so are entitled to at least national minimum wage, paid annual leave and other employment protections.⁵³ Even then, material risk of litigation, or actual judgments against companies, do not guarantee that companies will take the necessary steps to protect workers, opening up the risk of further litigation to enforce previous rulings. Uber is still not providing workers with holiday pay and minimum wages for all working time, despite the Supreme Court ruling.⁵⁴ Instead of changing the independent contractor model that negatively impacts workers and poses a litigation risk to the company, Deliveroo set aside GBP 112 million to cover the legal costs of potential action relating to the employment status of its delivery riders.⁵⁵

What is the legal framework for workforce composition?

Several ILO conventions allow states to exclude certain categories of workers from some or all provisions of the conventions. As a result, workers on certain contract types may be unable to benefit from the protections in international legal instruments, denying them an additional mechanism to assert their rights compared to, for example, workers on permanent contracts.

International law

- ▶ [Articles 7, 8 and 9 of the International Covenant on Economic, Social and Cultural Rights](#)
- ▶ [ILO Convention 154 on Collective Bargaining](#)
- ▶ [ILO Convention 181 on Private Employment Agencies](#)
- ▶ [ILO Convention 158 on Termination of Employment](#)
- ▶ [ILO Convention 131 on Minimum Wage Fixing](#)
- ▶ [ILO Convention 175 on Part-Time Work](#)
- ▶ [ILO Convention 102 on Social Security \(Minimum Standards\)](#)
- ▶ [ILO Convention 130 on Medical Care and Sickness Benefits](#)
- ▶ [ILO Convention 168 on Employment Promotion and Protection against Unemployment](#)
- ▶ [ILO Convention 172 on Working Conditions \(Hotels and Restaurants\)](#)



Key developments in national law

The following provides an overview of some of the legislative and case law developments relating to workforce composition across the world. For a more comprehensive understanding of the legal framework in different jurisdictions, always consult local legal experts.

2003



In the Republic of Ireland, [the Protection of Employees \(Fixed-Term Work\) Act 2003](#) provides temporary employees with various rights and entitlements. One of these is that employees cannot be employed on successive fixed-term contracts for over four years without objective grounds. Otherwise, the contract will be considered permanent.

2018



April - [Dynamex Operations W., Inc. v Superior Court](#) the Supreme Court of California found that two delivery drivers for a nationwide package and document delivery company Dynamex were employees, rather than independent contractors, and so were entitled to the minimum wage.

2019



In California, [Assembly Bill 5](#) codified a three-part test used in *Dynamex Operations West, Inc., v Superior Court* to determine if workers in California are employees or independent contractors for purposes of the Labor Code, the Unemployment Insurance Code, and the Industrial Welfare Commission (IWC) wage orders.

2020



February - [Canadian Union of Postal Workers \(CUPW\) v Foodora Inc](#) the Ontario Labour Relations Board found that Foodora couriers were dependent contractors, rather than independent contractors, and so had a legal right to unionise under the Labour Relations Act.

2020



March - [Mr X v Uber France and Uber BV](#) the French Labour Chamber of the Court of Cassation upheld a previous Court of Appeal decision that the claimant Uber driver was an employee and so was entitled to damages for unlawful dismissal.

2020



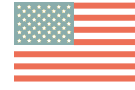
April - [B v Yodel Delivery Network](#) the European Court of Justice ruled that delivery drivers for Yodel were not classified as workers for the purpose of the Working Time Directive, on the basis that their contracts allow for the possibility of subcontracting the tasks.

2020



May - [Do-Hyun Kwak v SoCar et al](#) the Korean National Labour Relations Commission found that a private hire driver was an employee, rather than a freelancer as was stated on his contract, and as a result, his dismissal via a text did not comply with Korean labour law.

2020



July - [Islam, et al v Cuomo, et al](#) the US District Court for the Eastern District of New York found that drivers for various app-based companies were entitled to unemployment insurance benefits and ordered the New York State Department of Labor to pay backdated unemployment benefits.

2020



September - [Plenary of the Fourth Chamber of the Supreme Court judgment no. 805/2020](#) the Spanish Supreme Court ruled that delivery riders for Glovo, a platform delivery startup, were employees, rather than self-employed.

2021



February - [Uber vs Aslam](#) - the UK Supreme Court upheld the claimant's case that Uber drivers could be classified as workers; therefore, Uber had failed to pay the minimum wage and under the Working Time Regulations 1998 ("WTR") had failed to provide paid leave.

Does your company have sufficient data?

The following questions, based on the indicators in the WDI, provide a basis for companies when considering if they have sufficient data to respond to challenges relating to workforce composition.

Getting started

The essential foundations companies need to begin tackling these issues

Does your company have data on the total number of employees in the company's direct operations?

Yes No

Can your company provide the percentage of total employees in the company's direct operations in each of the company's significant operating locations?

Yes No

Does your company have data on the number and/or percentage of the company's employees on different contracts (including permanent/indefinite, fixed term/temporary, full-time, part-time, non-guaranteed hours contracts), as a proportion of the total direct operations workforce?

Yes No

Does your company have data on the number and/or percentage of the company's non-employee direct operation workers on different contracts (including independent contractor, agency worker, franchisee worker, and third-party on-site worker (e.g., subcontracted service worker, third-party worker) contracts), as a proportion of the total direct operations workforce?

Yes No

Can your company provide the gender breakdown of the workers on these contract types, as well as the overall gender breakdown of its direct operations workforce?

Yes No

Does your company have data on the total number and/or rate of recordable work-related injuries or ill health, and the total number and/or rate of recordable work-related fatalities, as well as the change in the number of incidents since the last reporting period, for non-employee direct operations workers for each of the company's significant operating locations?

Yes No

Can your company explain how it secures the rights of non-employee direct operations workers to collective bargaining?

Yes Somewhat No

Next steps

Providing the insights required to make more substantial progress

Can your company explain if the proportion of workers on contingent contracts has increased or decreased substantially? If the proportion has increased, can your company explain why this is the case? If the proportion has not increased, can your company explain if there is likely to be a change in the use of contingent workers in the future?

Yes Somewhat No

Can your company explain how it is working to improve wage levels for contingent workers?

Yes Somewhat No

Does your company have turnover data for workers on contingent contracts?

Yes No

Can your company explain any differences in access to training and development opportunities between the company's permanent workers and contingent workers?

Yes Somewhat No



How can the WDI help companies with workforce composition?

The first step to being able to meaningfully address workforce composition is understanding how and where these issues are impacting your company's workforce.

Taking part in the WDI can help your company identify where there are gaps in your data and provides a framework to address these, as well as allowing you to benchmark your data collection against peers. Companies that disclose to the WDI can provide more comprehensive data on workforce composition, moving from being able to complete an average of 49 per cent of this section of the survey in their first year of taking part, to 62 per cent in their fourth year. Taking part in the WDI survey also helps your company communicate what you are doing to protect and provide for your workforce and showcases your commitment to transparency.

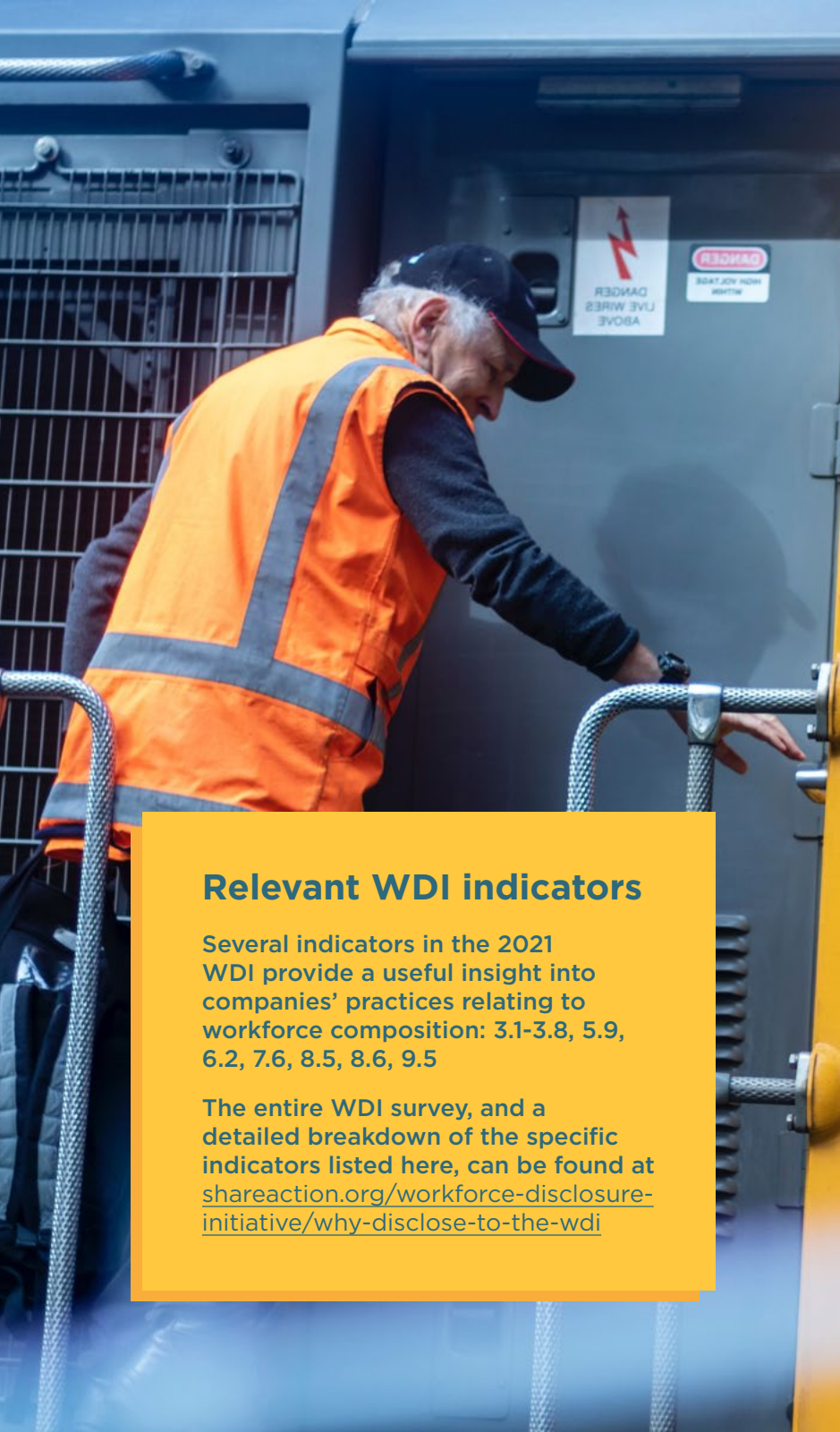
The WDI offers a year-round engagement programme that gives companies the opportunity to hear about best practice, share challenges, and learn from investors and their peers.

Based on expert input and constructive discussion, this range of sessions enables companies to take the insights they gained from participating in the WDI and use them to identify innovative solutions to challenges they may be facing. Beyond that, it prepares companies for any legislative changes that may develop in the markets they operate in.

Relevant WDI indicators

Several indicators in the 2021 WDI provide a useful insight into companies' practices relating to workforce composition: 3.1-3.8, 5.9, 6.2, 7.6, 8.5, 8.6, 9.5

The entire WDI survey, and a detailed breakdown of the specific indicators listed here, can be found at shareaction.org/workforce-disclosure-initiative/why-disclose-to-the-wdi



Resources



[The rising tide of non-standard employment](#) - ILO

An interactive summary of non-standard employment globally, including causes, impacts, and global prevalence.



[Taken for a ride: Litigating the digital platform model](#) - *International Lawyers Assisting Workers Network*

An overview of a range of different court cases across the world centring on the gig economy and the treatment of contingent workers.



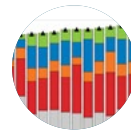
[Insecure Work in Insecure Times: An investor briefing](#) - *ShareAction*

A briefing outlining how the growth of insecure work has been driven by investor demands for shareholder value, outlining how investors should be considering and engaging with companies on how their workforce policies and practices might be driving greater insecure work.



[Labour market changes: Trends and policy approaches towards flexibilisation](#) - *Eurofound*

A report addressing trends and policy developments concerning the flexibilisation of employment in the EU from 2008 onwards.



[Distributional risks associated with non-standard work: Stylised facts and policy considerations](#) - *OECD*

A resource outlining the impacts of COVID-19 containment measures on the contingent workforce in OECD countries.



[Fairwork Ratings](#) - *Fairwork*

A series of benchmarks rating the working conditions of platform businesses in countries across the world.

Insights from WDI Investor Signatories

[The Future of Work](#) - *Newton Investment Management*

[PIRC Sector Briefing: Food Production](#) - *PIRC*

[Endowing Labour: Using Foundation Sector Capital to Improve the Rights of Workers](#) - *PIRC*



Endnotes

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