

Book Review

Poland Lai

School of Administrative Studies, York University, Toronto, Canada

Poland.lai@yorku.ca

This is an Accepted Manuscript of an article published by Taylor & Francis in Journal of Social Welfare and Family Law on 26 Oct 2022, available at:

<https://doi.org/10.1080/09649069.2022.2136715>.

Book Review

Women, precarious work and care: The failure of family-friendly rights, by E

Grabham, Bristol: Bristol University Press, 2021, 184 pp., ISBN 978-1529218718

It is almost trite to say that women spend more time on unpaid care work than men. However, the ramifications of unequal distribution of caring responsibilities are complex and experienced differently by women around the world. The rise of the ‘gig economy’ and other precarious work arrangements adds another layer of complexity to the issue of unequal distribution of caring responsibilities.

In *Women, precarious work and care: The failure of family-friendly rights*, socio-legal scholar Emily Grabham examines the experience of women who balance precarious work with caring for their children or family members in the United Kingdom. Precarious work, also known as ‘vulnerable work’, ‘includes agency work, zero-hours contracts and temporary work’ (p. 7). Unpaid care is defined as the work of sustaining others (such as children or elderly relatives) physically, emotionally and financially (p. 7). As the book thoughtfully demonstrates, the numerous challenges for women balancing precarious work and care stand in contrast with existing family-friendly rights, such as rights to maternity and paternity leave and pay, shared parental leave and pay, the right to request flexible work and parental leave (pp. 5-6). In short, this book argues persuasively for a new approach to family-friendly rights that redresses the power imbalances resulting from precarious contracts and enables women to balance unpaid care with work (p. 10).

Grabham makes this argument by drawing on 33 in-depth interviews with women with current or recent experience of precarious work and unpaid care living in mainland United Kingdom (Dundee, Glasgow, Durham, York, Leeds, Liverpool, Stoke-

on-Trent, Manchester, Nottingham, Milton Keynes, Ebbw Vale and London). The interviewees worked in retail, education, care, cleaning and other public sector. The interviews were conducted between 2015 and 2017 (pp. 162-164). According to Grabham, this type of research seeks 'to understand the detail and context of people's lives: how much they understand of law, for example, and whether they feel confident in asserting legal rights' (p. 5). The interviews form the basis of a strong critique of current family-friendly rights.

To start, Grabham draws our attention to a critical flaw in existing family-friendly employment rights: precarious workers are not classified as employees or have not been working long enough with the same employer to qualify for family-friendly employment rights (p. 2). The assumption of family-friendly employment rights is that the best way to balance work and care is for women to negotiate flexible work arrangements (p. 6). One could argue that existing legal protection assumes there is a standard employment relationship: a secure employee in a permanent, professional role requiring adjustments to a nine-to-five working routine (p. 6). Further, the idea of a 'normal' full-time job assumes that someone other than the employee is doing the unpaid care work (p. 8). It is not difficult to see that precarious workers with care responsibilities do not fit neatly into the existing employment rights paradigm.

The main part of the book (chapters two to seven) explores how 'unpaid care and precarious work are dynamically interrelated' (p. 151), first by explaining why the women were engaged in precarious work, and then describing how they attempted to balance care responsibilities with work in often inflexible (if not hostile) environments. Chapter two challenges the idea that women choose zero-hours or temporary contracts in order to handle unpaid care alongside their jobs (p. 12). Although the women interviewed came from diverse backgrounds, a common theme in their experiences was

lack of choice: there was a lack of other work available to them either in their employment sector or geographical area (p. 31). As well, there was evidence of structural racism impacting women's access to work and compensation (p. 31). Having established that precarious work is not a choice, chapters three and four provide an insightful account of how women set up and manage complex care networks so they can access precarious work in the first place:

Care networks describe complex, collective and multi-institution arrangements involving different forms of informal and formal care provided by family, friends, schools, nurseries and care workers. Care networks might be fragile or partial, leaving women with much of the day-to-day work of providing care, or they might provide valuable, regular wrap-around support (p. 55).

An important take-away is the potential wider impact of unpredictable conditions within precarious work, such as last-minute shift changes, on those who help provide paid or unpaid care to support precarious workers (p. 72). In my view, this provides additional justification for transformational reform to employment rights because the potential beneficiaries of any reform will be much wider-ranging than just the precarious workers and the people they support.

Chapters five, six and seven shift the focus to employment relationships, showing how the women's circumstances, combined with the type of contracts they held, shaped their bargaining power at work (p.124). An important finding of chapter five is that women experienced short- or long-term uncertainty of precarious work as a consequence of managerial control. This uncertainty in turn hindered women's capacity to request flexible work arrangements (p. 96). Chapter six examines occasions when the women had to disclose a care responsibility, for example due to a change in nursery or schooling patterns, to their employers (p. 99). Some women reported positive and

thoughtful responses from employers (pp. 112-115) while others feared and experienced disciplinary actions, demotions, and dismissals due to raising a care responsibility at work (p. 118). A core concept discussed in chapter seven is ‘bargaining power’, which is used to illuminate the women’s actions when employers responded negatively to their requests or when their overall working environments were hostile to balancing care responsibilities with work (pp. 119-120). The women’s actions were clustered into two general groups. When women experienced less bargaining power, they absorbed the stress of managing care alongside inflexible work, took sick leave (with an associated risk of disciplinary action), decided not to assert any available rights, or left their jobs (p. 145). When women possessed more bargaining power, they reduced their hours, brought children to work, claimed statutory entitlements to emergency leave, argued with employers about how the ‘needs of their family’ should give them flexibility at work, or asserted their legal rights (p. 146).

The book concludes by outlining a set of seven principles that could guide the development of new family-friendly rights for precarious workers:

- supporting measures to outlaw precarious work;
- making employment status irrelevant for claiming care-friendly rights;
- aiming for ‘care-friendly’ work instead of ‘flexible’ work;
- focusing first on the care responsibility (instead of asking whether that person is an employee);
- increasing access to paid leave;
- ensuring rights at the outset of employment (rather than having qualifying periods); and

- establishing effective monitoring and enforcement mechanisms that help redress the imbalance of bargaining power between employers and workers (see chapter eight).

Although the book's focus is on employment law, one aspect that warrants further exploration is availability of publicly funded care in the community (if any). As noted above, care networks involving family members, nurseries, schools and adult care providers can be fragile. Some of the women interviewed received assistance and support from adult care providers in order to meet the needs of adults in their lives, such as frail parents or in-laws. It would have been helpful to know if legislation such as the *Care Act 2014* (for background on care and support for adults in England, see Maker 2022, pp. 196-214) played any role in defining and constructing some of the women's care networks (at least with respect to the adults they supported). For example, were these women aware of local authorities' duties in relation to assessing people's needs and eligibility for publicly funded care and support? Were they (or adults they cared for) indeed eligible for publicly funded care and support? From a law reform perspective, how can 'care-friendly' rights work in tandem with other rights to publicly funded care and support? Would these women have a better chance of leaving precarious work if their respective care networks were strengthened by more access to ongoing, publicly funded adult social care? Outlawing precarious work (such as zero-hour contracts) is a monumental task. In the meantime, it is worth examining how other areas of law may support or hamper precarious workers' care networks.

This short book is engagingly written and will appeal to practitioners as well as to legal and social-legal scholars interested in employment law and welfare law. Although the book is based on a single case study (i.e., the United Kingdom), given the prevalence of precarious work around the globe, scholars examining unequal

distribution of caring responsibilities in other liberal welfare states (such as Australia, Canada and the United States) will be interested in the findings.

References

Maker, Y., 2022. *Care and Support Rights After Neoliberalism: Balancing Competing Claims Through Policy and Law*. Cambridge: Cambridge University Press.