

SCHOOL OF ADVANCED STUDY - UNIVERSITY OF LONDON

# The Social and Political Significance of Workfare in the United Kingdom

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## A Normative Human Rights Critique

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## **Abstract**

*This paper provides a critical analysis of the workfare schemes introduced by the coalition government. Workfare is presented as the product of neoliberal ideologies that have introduced notions of conditions and reciprocity to the realisation of traditionally entitlement-based rights. The history of the welfare state is assessed from a political-economic perspective. It is suggested that the rationale behind the schemes is fuelled by political and corporate motivations, which effectively subordinate the importance of human rights. This new social contract is explored from different philosophical perspectives of economic and social rights. Evidence of corporate and political reactions to social pressure suggest that civil society can be effective in discouraging decisions that pose a threat to human rights standards. The compatibility of workfare schemes with a normative understanding of specific rights is assessed. The study concludes that workfare constitutes a serious threat to human rights, signifying the erosion of the British welfare state, and hence basic welfare entitlements. There is a strong argument that workfare is a modern form of state-sanctioned forced labour.*

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## **Introduction**

The welfare state in the UK is changing. The concept of entitlement-based welfare is giving way to a new social contract, based on notions of conditions and reciprocity. The evolution of this ‘something for something’ culture has culminated in the introduction of workfare. Brought to the UK by New Labour, the coalition government has reconfigured and intensified the schemes, eroding the existence of a British welfare state.

This paper aims to produce a normative human rights critique of the social and political significance of workfare in the UK under the coalition government. In doing so, the impact of the new social configuration will be explored, with reference to the motivations and conditions behind the development of workfare.

### ***What is Workfare?***

The term ‘workfare’ carries various meanings. Some use the term to refer to the general increased conditionality placed on welfare payments (Peck, 2001; Jessop, 1994; Sayeed, 1995; Shragge, 1997). Others are concerned specifically with certain policies or schemes that involve the requirement of work in return for welfare payments (Walker, 1991; Solow, 1998; Gray, 2004). For the purposes of this study, workfare will be defined as policies or schemes that include a mandatory obligation, whether this occurs at the beginning or subsequent to enrolment, to carry out work or otherwise termed ‘work-related activity’ for an organisation in order to obtain receipt of some form of social welfare payment from the state. The opinions and evidence given by those writers who employ the wider use of the term are also used within this study, as they are still alluding to the relevant theme and context that is important to this study. Shragge (1997:13) noted the overarching understanding within differing meanings, suggesting that every definition broadly shares:

‘The common thread of a state’s transformation of social assistance as an income security program based on financial need, to a program which is conditional on the performance of employment activity in exchange for benefits.’

## ***A Human Rights Issue***

The central thesis of this study is that workfare constitutes a violation of human rights standards. With regard to economic and social rights, the schemes endanger the right to work, including the right to work which is freely chosen or accepted; the right to remuneration; the right to social security and consequently the right to an adequate standard of living. These rights are chosen because they represent core economic and social rights, thus allowing for a generalised critique of this configuration of social contract. The paper also considers the oft cited civil and political right in relation to workfare, which is freedom from slavery and forced labour. This is because workfare under the coalition government has already been subjected to a legal challenge with regard to the right of freedom from forced labour<sup>1</sup>. The occurrence of this adds intrigue to the normative assessment of the issue. These rights are considered in a normative rather than strictly legalistic sense, in order to escape the political and legal restrictions placed on the reality of such rights. Workfare has implications for other rights, such as freedom from discrimination against women and racial discrimination. An adequate analysis of these rights would require further extensive study, for which there is not sufficient space in this paper.

## ***Outline***

The paper begins by providing an analytical framework through which to understand the key concepts and themes that inform the study. As well as explaining the foundations and justifications of a normative approach, the framework provides an overview of key philosophical understandings of rights that contribute towards the basis of the approach. From there, the economic context of the schemes will be summarised, along with an understanding of key factors such as the influence of corporate power. The framework finishes with a review of the body of literature surrounding workfare, alongside explanations as to how this paper is informed by, yet distinguished from, such writing.

Chapter 2 provides the reader with a historical overview of the welfare state, along with key political and economic occurrences that led to the introduction of workfare. The coalition

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<sup>1</sup> The case in question is *R. (on the application of Reilly) v Secretary of State for Work and Pensions* [2012]. Details of the case are described in Chapter 3.

government's current welfare-to-work schemes are summarised and an explanation provided of the mandatory nature that leads to the description of some of the schemes as 'workfare'. The rationale of the schemes is scrutinised, with the suggestion that the public rationale may differ from the political objectives behind workfare. The economic and sociological effects of these schemes are then explained, including an explanation of the key beneficiaries, such as private workfare providers and host organisations. Responses from civil society towards workfare under the coalition government are assessed. The actions of organisations and the government as a result of these responses are also explained.

The application of these effects to a normative understanding of human rights takes place in Chapter 3 which starts with an overview of economic and social rights in the UK, followed by a critique of philosophical understandings of the concept, and application of the practice of workfare to certain rights theories. The rights mentioned above are then individually assessed in order to reach a normative conclusion as to the extent to which workfare may infringe upon such rights.

The paper concludes that workfare represents the increasing business-centred approach of the government, which does not hold the full realisation of human rights at the forefront of its agenda. The policies constitute a serious violation of the rights of many, and represent a regression in the progressive realisation of economic and social rights.

## *Methodology*

The primary research for this paper consists of documentary analysis. Documents from the Department of Work and Pensions (DWP) were assessed and used as evidentiary sources in the overview and detailing of the schemes. Secondary research comprised a review of academic literature. Other sources include websites and newspaper articles. In order to draw the most unbiased conclusions, a range of sources from each perspective are considered. Case-law is also used as a source of data. Because the study is not strictly legalistic, arguments and judgements are used as points of discussion or reference, rather than deciding factors in the consideration of the central thesis.

## **Chapter 1: Analytical Framework**

This chapter provides an overview of existing literature that is relevant to the analysis of workfare in the UK, and outlines the framework through which the policies are analysed in this paper. The section begins with an explanation of, and justification for - the normative approach to human rights analysis - which has been chosen for this study. The key philosophical ideas surrounding the concept of economic and social rights, which are used in this normative analysis are then summarised. The chapter goes on to explore the wider context from which workfare has arisen, namely the political and economic conditions fundamental to understanding how and why workfare is used today. In order to set the scene and provide an informed perspective from which to examine workfare, some of the factors behind the development of the neoliberal capitalist state will be explored. Directly related to the neoliberal practices of the state is the growth and influence of corporate power, which, it will be argued, is a vital element in the formation of public policy. Herein, the chapter provides an overview of the historical discourse that has surrounded workfare practices, before arriving at the prominent contemporary discourse about workfare today. The chapter explores disputes in the perception of workfare, and draws distinctions between existing literature on workfare as implemented by the current coalition government, and the content and purpose of this study.

### ***Normative Human Rights Approach***

This paper aims to provide a critique of UK workfare policies from a normative human rights perspective. This is very different from the political-economic argument used by others on the subject, such as Peck (2001) whose work is outlined below. For this study, is it not directly relevant to the central research question to discuss the economic advantage or disadvantage of workfare policies, although, it is important to bear in mind that these elements are relevant to the exploration of the social and political motivations behind the schemes. When using the human rights rhetoric:

‘One is asserting a set of political beliefs about the value of human beings and the way in which they *should* be treated.’ (Langlois, 2009:23) (emphasis added).



The benefits and strict legality of the schemes are not necessarily relevant to the ethical human rights perspective. To view human rights solely in terms of the law is described by Goodale (2006:6) as 'restricted'. Freeman (2002) also criticises this approach, referring to it as 'legal positivism':

'The legal-positivist approach to human rights not only misrepresents their character, it also has dangerous implications.... It may be desirable that human rights should be legally enforceable, but it is not necessary that they should be so... One appeals to human rights precisely when legal institutions fail to recognize and enforce them. If legal positivism were true, an important basis for criticizing unjust legal systems would be eliminated.' (2002:10)

Hoffman and Rowe (2006) describe the law as a vehicle through which human rights that everyone has are, or should be, protected:

'[human rights law] should accord with our view of what basic rights we should have. If it does not, then we can criticise the law for failing to protect all those rights which should be protected.' (2006:1)

It is this from this critical approach that workfare will be analysed in this paper. In order to ascertain prevailing views about the rights that everyone *should* be accorded, the study will look at human rights instruments, historical meanings and understandings of rights today. It must be borne in mind that law-makers are influenced by factors other than human rights (Freeman, 2002:4). From this it must be presumed that the law is not a flawless representation of the rights of all, rather an instrument open to scrutiny and adaptation:

'The UN introduced the concept of human rights into international law and politics. The field of international politics is, however, dominated by states and other powerful actors who have priorities other than human rights.' (Freeman, 2002:4).

International human rights law in particular comes under considerable criticism for its lack of enforceability. As Pollis (2000) comments:

'Ratification of the various covenants and conventions, frequently with exceptions, is an assertion of membership in the world community and not a commitment to the implementation of these rights or their legitimacy.' (2000:15).

Adopting an approach broader than a purely legalistic one is important not least because the law may be affected by the same or similar political and economic influences that have led to the implementation of workfare.

Fundamentally, a legalistic approach would not truly consider the whole concept of human rights:

‘...international human rights law plays such a demonstrably small part in the total normative universe within which human rights is expressed and encountered.’  
(Goodale, 2006:10).

### ***Philosophical Perspectives***

This section provides a summary of the relevant ideas of philosophers Kant (1797), Kelley (1998), Neier (2006), White (2000) and Plant (2003). These particular ideas have been chosen because they represent an interesting cross-section of perspectives that can be applied to economic and social rights. In Chapter 3, these theories are critically analysed in order to come to a normative understanding of economic and social rights.

Kant’s ‘doctrine of virtue’ (1797) suggests that there are two types of duty governing man’s interaction with one another. These are the duty of love and the duty of respect. He saw these duties as conferring different types of obligations. The duty of love, that he described as ‘a maxim of benevolence (practical love), which has beneficence as its consequence’ (Kant, 1797:291) creates an obligation on the person to whom the love was conferred. The duty of respect, on the other hand, creates no reciprocal obligation (1797:291). This is pertinent to this study because it suggests that an investigation of the type of duty conferred upon the bearer may provide an indication of the necessity of corresponding obligations upon the right holder. It could be said that the provision of welfare is a form of benevolence, thus giving rise to obligations on the part of the recipient. The theory does not provide a suggested *level* of obligation toward the duty-bearer with regards to the maxim of benevolence.

White (2000) claims that economic and social rights have historically been understood in terms of the right of *reasonable access*:

‘Early social democrats recognised that in a market economy many citizens will lack reasonable access, in the sense defined above, to certain vital resources. The state, on their view, has a responsibility to ensure that all citizens do have reasonable access to these resources... In particular, a right of reasonable access to a decent

minimum of income does not necessarily have to take the form of a universal right to be given a minimum income unconditionally...' (2000:511).

White was not adverse to the concept of reciprocity. He believed that a fair amount of reciprocity was to be expected, and thus devised four 'intuitive conditions for fair reciprocity' (2000:515). These conditions create a framework through which to analyse the fairness of the obligations expected under principles of workfare.

Kelley (1998) pointed out that welfare rights are different from what he called 'classical rights' (1998:22) because they are concerned with *outcomes* rather than processes. Most rights confer a 'freedom from' some kind of treatment or interference, hence assuring the liberty of the right holder. What they choose to do with that liberty and how successful they may be with it is then up to those persons, who have no rights to assert that they should be ensured any sort of success. He argued that welfare rights, on the other hand, confer a 'freedom to' have the necessary things, thus ensuring that some level of success, 'at least a minimum level' is reached (Kelley, 1998:22). The basis of this theory is challenged in Chapter 3, as it is shown that the formulation of 'freedom from' or 'freedom to' is dependent on the perspective from which the rights are viewed. This enables a deeper understanding of the true purpose of economic and social rights.

Neier (2006) claims that a distribution of resources is necessary, but it cannot be asserted as a right. He states that the reasoning underpinning this is the lack of judicial enforceability of economic and social 'rights'. It could be argued that this is not a compelling reason for removing the concept of rights from economic and social matters, rather an indication of a failing on the part of the judicial system. Neier provides a platform for the argument against social and economic rights, and enables this paper to provide an argument in response to his conception.

Plant (2003) confronts the idea of *intentionality* as a necessary prerequisite for the activation of collective responsibility (2003:13-14). It has been suggested that because the distribution of income is fundamentally a consequence of free-market outcomes, there is no intentionality present and therefore no collective responsibility (Hayek, 1976). Plant argues that the responsibility arises from the *foreseeability* of the market outcomes (2003:14).

Although poverty and inequality were not the primary intentions of people who participate

in this market, they are foreseeable outcomes and therefore give rise to a collective responsibility to limit such inequality. For the purposes of this study, this understanding of collective responsibility aids the rationalisation of tax contributions required to facilitate social security payments, thus ensuring the realisation of welfare rights.

### ***Economic Context***

In order to understand the significance of workfare, it is important to contextualise the concept within the economic sphere. Economic conditions and economic policies both have a significant impact on social policies, especially in relation to welfare. Put simply, Keynesian economics hails public spending as a necessary impetus for the economy (Hutton, 1995:239). Neoliberalism favours a reduction in public spending and relies on free trade to produce the most beneficial outcomes (Hutton, 1995:245-246). Keynesianism provides the rationale behind the formation of the welfare state. Neo-liberalism delivers the framework for an explanation as to why the coalition government has brought a renewed emphasis to the reduction of government spending following the economic crisis.

Hutton (1995) provides the economic, political, and social context in which we can understand the implementation of workfare. He demonstrates how policies driven by free-market economic theories such as deregulation have failed British society, leading to increased inequality, and an unstable economy. The culture of 'short-termism', with excessive consumerism and insufficient long term investment has left a society in which 'social cohesion is deteriorating year by year' (1995:323). His account can still be said to be largely true to the present day. The upper ranks of politics, finance and law continue to be dominated by the Conservative elite, 'Educated apart and socially apart, they have no republican sense of civic responsibility. Their world is private.' (1995:44)

Hutton argued that British institutions are structured in a way that maintains a social aspiration to 'gentlemanliness' (1995:42) that is deeply ingrained in British culture<sup>2</sup>. The

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<sup>2</sup> The ingrained nature of British Conservatism is used by Hutton as an explanation of the Labour party's failure to effect real change, as they neglected to truly dissemble important power wielding Conservative institutions such as the governing court of the Bank of England following nationalisation in 1946 (1995:49).

'gentleman' is unavoidably Conservative (1995:42), hails neoliberal economic theories as the most effective way to sustain and grow their fortune. He justifies this amalgamation of capital with the claim that by increasing his own wealth, he is in turn increasing the wealth of the entire economy. This is commonly known as the 'trickle-down' effect (Aghion and Bolton, 1997). Hutton explains how this effect does not come about in practice, as limiting the re-distribution of income to the bare minimum has led to devastating social consequences:

'The collapse of social cohesion that comes when the market is allowed to rip through society has produced a fall in the growth rate; marginalisation, deprivation and exclusion have proved economically irrational. .... And this has had major implications for public expenditure.' (1995:175)

The inequality that occurs as a result of free market economics increasingly discredits the trickle-down theory. Hutton does not regard this as significant to many right-wing elites. Rather, the ability to look down on lower classes is what lends them their sense of superiority (1995:49). Jones (2012) explains how the development of class hatred, specifically toward the working class, has been fuelled by the media and government, and provided a way to avoid any meaningful concern for growing inequality. This perspective of class hatred offers a possible explanation for negative presentations of benefit claimants in the media and consequently in public consciousness.

The British economy has commoditised the workforce, on the assumption that work is simply a means of collecting money with which to enjoy ones leisure time (Hutton, 1995:95). Neo-liberal economic theories fail to recognise that work in itself has a human value beyond money (Hutton, 1995:99). Hutton demonstrates, through an exploration of differing pay scales, 'people work for motives other than money' (1995:101). This lack of understanding about the importance of work and satisfactory pay contributes to the case for workfare, which is based on the neoliberal ideology that nobody should get 'something for nothing'.

Hutton (1995) and Hertz (2001) argue that there is no real choice in British politics, as in practice all of the major parties operate 'a system based on laissez-faire economics, the culture of consumerism, the power of finance and free trade' (Hertz, 2001:5) This lack of

choice undermines British democracy (Hutton, 2005:17). This explanation helps us to understand why workfare has been implemented by both sides of the mainstream political spectrum, as is shown in Chapter 2.

In his 2002 account, Hutton attests to many of the same problems that Britain experienced in 1995:

‘The terms of society’s social contract remain as vexed and contentious as ever. The rich grow richer while disadvantage remains acute. Equality of opportunity, let alone of income and wealth, remains elusive. Public services are inadequate,’ (2002:2).

Hutton (2002) warns that Britain should be distancing itself from ‘American conservatism’ (2002:2) and concentrating on integration and alignment with European capitalism, which he argues is the route most favourable to democratic values. Hutton is wary of the American model because of the lack of corporate regulation and unwillingness to dissent from shareholder values to a more human centred, democratic approach. This warning is particularly relevant when looking at workfare in the UK, which is widely agreed to be influenced by US policies, as described below.

Hertz (2001) argues that the governments’ inability to stand up to corporate power in the face of globalisation means that the democratic vote is no longer valid, causing disillusionment and civil unrest<sup>3</sup>. This holds significance for the purposes of this study as it is suggested herein that corporate power is a major influential factor in the government’s implementation of workfare. The civil unrest theory also helps to rationalise the responses to the schemes, documented in Chapter 2. Because workfare has been implemented by both major political parties, citizens may feel frustrated that their vote is not effective in influencing these decisions.

Bakan (2003) provides a compelling account of the destructive effect of corporate power. Corporations have been given equal rights to human beings, and often yield considerably

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<sup>3</sup> Hertz has been criticised for the assumption that governments are left powerless to international forces, as it has been argued by Davies (2001) that many states still make policy choices which are far from hegemonic with others, and continue to be economically successful (2001:para.7).

more power (2003:16). Because corporations are mandated to act in the shareholders' interests – which is invariably to maximise profits, social values and norms such as human rights and the environment inevitably lose out (2003:1-2). The structure of the corporation lends itself to the short-termism outlined by Hutton, referred to above.

Corporate influence on the government is manifest. Millions of pounds are spent by corporations on lobbying government officials to act in their best interests (Bakan, 2003:101-102). Big corporations donate large sums of money to party campaigns, leaving the autonomy of key political parties questionable. Additional evidence of the government's special relationship with business is the 'revolving door' phenomenon. High ranking government officials often take up well-paid jobs within corporations with a vested interest in the government's actions, and vice versa<sup>4</sup>.

The issue of corporate power has significant relevance to the implementation of workfare policies and this study. Because workfare provides labour at no cost to corporations, it is likely that they are supporting the policies which are advantageous to the pursuance of profit. This consideration is also useful in understanding the effectiveness of social pressure as a threat to business reputations, and hence profit. Corporate reactions to civil unrest following workfare are described in Chapter 2.

### ***Welfare-to-work Discourse***

Historical discourse about workfare and welfare policies in general is extensive and not all directly relevant to this study, so this section aims to provide a summary of the prominent voices, and the discussion prevalent during previous governments.

Evans and Cerny (2003) provide a thorough account of the effects of economic globalisation on social policy, including welfare policies, theorising that globalisation has led to the creation of the 'competition state' (2003:21). This competition state holds new ideologies that are consistent with attempting to compete on the global stage, leading to the 'marketization' of the state and its social policy (2003:21). This contributes to the

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<sup>4</sup> This creates significant ethical issues, as the strong ties between the sectors undermine British democracy (David-Barrett, 2011).

understanding of the development and key motivations behind the policy, which aids the accuracy of the analysis herein. Evans and Cerny give an insightful account of the political changes and campaigns in the 20<sup>th</sup> Century, from a social policy perspective, helpful to the formulation of the overview of policy development in Chapter 2.

Lowe (2005) examines the history of the welfare state from 1945, in order to produce an understanding of the political and economic reasoning behind developments in social policy up to and including Labour's New Deal. This historical account builds a background for this study, providing an overview of the use of welfare policies throughout history. In his 1994 account, Lowe assesses the 'classic welfare state' which he places between 1945 and 1976 (Lowe, 1994:37). This provides an explanation as to why this period failed, including the forces and ideologies which led to its demise.

Noble (2009), looks at the development of the welfare state, particularly examining the influences of gender and race on the formation and implementation of social policies. Whilst this is important for the assessment of human rights relating to sex and race in this study, Noble does not use a human rights perspective, and sees social presumptions of gender and race as determinants in the formation of social policy, rather than looking at the effects of such policy on different genders and racial groups.

Sunley et al. (2006) conduct an examination of Labour's New Deal from a geographical perspective. They produce an assessment of the policy's performance in addressing geographical concentrations of unemployment and worklessness in the UK. The description of welfare policies and the ideological shift that they represent which is offered by Sunley et al. is of particular importance in providing a background and ideological understanding for this study.

Carpenter and Speeden's (2007) analytical critique of New Labour's development of social policy includes the use of 'supply-side approaches' (2007:133), but fails to address the structural inadequacies of the state at a local or national level. Carpenter et al. (2007) go on to suggest ways in which policies could incorporate structural adjustments and address personal responsibility in an approach to social policy. Whilst they do acknowledge human rights principles, they seek to argue that a breach of these principles will be detrimental to



society. This differs from the approach of this study which identifies the issue of human rights as already providing the reasons against the schemes if they are breached.

Peck (2001) offers an insight into workfare and practices in the US, as the starting point for other countries such as Britain, albeit in differing shapes and sizes. He terms this the 'internationalisation' of the workfare project (2001:5) and views British workfare introduced by Tony Blair's New Deal as heavily influenced by US policies, after 'actively monitoring and learning from the US experience.' (2001:4-5). Peck offers an explanation as to the origin of the schemes, which enables this study to understand the direction in which the policy may be heading.

Peck (2001) notices that workfare is increasingly a characteristic of neoliberal economies:

'Discourses of 'welfare dependency' that construct the causes of poverty and un(der)employment in terms of individual failings and that legitimate distinctively antiwelfare restructuring strategies are fast becoming staples of political orthodoxy in these and other 'advanced' industrial nations, particularly where neoliberal economic orthodoxies are most heavily entrenched' (Peck, 2001:11).

This makes sense when considering the wider analysis of neoliberal economics offered by Hutton above. A key element of the free-market economy, decentralization of the state, is reflected in Peck's explanation of workfare policies:

'Crucially, the ideological 'decentering' of welfarism often seems to be associated with an institutional analog in the form of decentralisation, defederalisation and localisation of welfare processing and programming.' (2001:11)

Peck defines his 'central focus' as 'the political-economic dynamics of workfare and its nascent labor-regulatory role' (2001:7). He explores this focus through a method of mapping workfarist regimes in the areas cited above (2001:21).

Although this mapping and commentary provided by Peck is extremely useful to the formulation of this study, the central focus is fundamentally different from one which is focused on a human rights critique, but does offer valuable context.

Paz-Fuchs (2008) provides one of the most detailed normative critiques of workfare of the modern day. The work analyses the implications of social contract theory as a westernised

concept in the context of welfare-to-work programmes. Paz-Fuchs looks at the notion of reciprocity as a corrupting force when thinking about rights:

‘Activation policies that underlie welfare-to-work programmes are routinely justified through reference to a conception of fairness that is instilled in the notion of reciprocity. Within this paradigm, responsibilities and obligations counter-balance rights.’ (2008:1).

Paz-Fuchs makes the important observation that welfare has changed from an entitlement to a *conditional* right. This radically alters the terms of the social contract between the individual and the state. (2008:3). Responsibility and reciprocity have become dominant ideologies in social policy making. Paz-Fuchs warns that this new contract is leading to rights that are attributed according to decisions in which:

‘a result based on the assessment of interests that is reached with no regard (or without sufficient regard) to the weight rights should carry in society. The fear is, then, that rights will be seen to reflect no more than the aggregate of interests in a particular context, leaving them conceptually redundant.’ (2008:4).

This warning is of particular importance to the study of workfare from a human rights perspective, as it provides an indication as to the subordination of rights in decision-making and helps us understand why other factors often exert more influence in the process.

Paz-Fuchs provides a coherent argument against the use of workfare policies through proposing that an approach focused on entitlements-based welfare, would lead to a better outcome for the government. This study differentiates itself in the sense that it is not aiming to justify a different direction for the government, but simply outline the ethical implications of workfare.

There is no shortage of literature arguing for the benefits of workfare in the UK and abroad. Many argue that workfare, or compulsory welfare-to-work schemes otherwise termed, is the economic answer to the ‘welfare problem’ (Beaudry, 2002; Besley and Coate, 1992). However, the benefits claimed are usually economic or political, and do not address the ethical implications of such schemes. Hence, they are not directly relevant to the thesis of this study.

Prominent voices offering criticisms of workfare in its current form include journalists Clark (2012) and Toynbee (2012). Clark (2012) criticises workfare for discriminating against the poor and acceding to the greed of corporations by providing cheap labour. He accuses the government of blaming the unemployed for the problem of unemployment, and undermining economic recovery by decreasing paid employment. Toynbee (2012) refers to the coalition's workfare schemes as 'slave labour', accusing their entire welfare reforms of discriminating against the poorest in society. She is critical of the 'contracting out' of workfare programmes to private providers and supports direct action against businesses who take advantage of the cheap labour offered through workfare schemes (Toynbee, 2012a). Chris Grayling, the Minister for Work and Pensions, has written scathing responses to Toynbee, arguing that the welfare to work schemes aim to *help* the long term unemployed, and that this has been successful (Grayling, 2012). He also argues that the contracted providers are not there simply to make a profit, but their main aim is to help people, risking their own capital for this aim (Grayling, 2012).

According to the account given by Bakan (2003), those providers who are private corporations would be breaking the law if they were acting as Grayling suggests, and not in pursuance of profits for shareholders. Both Clark (2012) and Toynbee (2012) produce compelling arguments against workfare, but a detailed analysis of the current programmes from a human rights perspective is yet to be produced.

## **Chapter 2: Workfare in the United Kingdom**

This chapter will explore the political and economic conditions throughout modern history which have shaped the transition from welfare to workfare in the UK. It is impossible within the confines of this study, without straying too far from the central research question, to provide a definitive overview of the political history of welfare. This section aims to outline key changes and provide evidentiary analysis from which to equip the reader with a broad understanding of the context under which to understand workfare in its modern form. The contribution of significant factors such as representation in the media will be considered. The chapter explains the workfare schemes used by the coalition government and explores the effects of the schemes on all of the relevant stakeholders. Finally, responses to current workfare programmes are considered, in light of the overarching themes of corporate power and neoliberal economics.

### ***The move from Welfare to Workfare***

Although charitable and dutiful giving may have existed before, the first legal codification bearing a resemblance to social welfare in England were the Poor Laws of the 17<sup>th</sup> Century<sup>5</sup> (Paz-Fuchs, 2008:67; Noble, 2009:2). These imposed a duty upon ‘Poor Law Officials’ to provide those who were unable to work with ‘competent sums of money for and towards the[ir] necessary relief...’ (Poor Relief Act 1601, s1). Although this was a form of social assistance, it was a long way from the concept of a *right to welfare* (Paz-Fuchs, 2008:67-68).

It is suggested that the acceptance of the concept of welfare as a right did not come about until the 1940s, with the 1942 Beveridge Report, which was followed in law by the National Insurance Act 1946, replacing the Poor Laws (Noble, 2009:3; Paz-Fuchs, 2008:104). Beveridge used Keynesian economic principles to develop a model of social security for which a prerequisite was full employment. Noble (2009:3) points out that the Report is

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<sup>5</sup> These began with the Poor Relief Act 1601. Although ‘Poor Laws’ existed before the 17<sup>th</sup> Century, Paz-Fuchs (2008:66-67) argues that the 1601 Act was the first to express an intention to assist the poor, thus resembling social welfare as it is known today.

often hailed 'the blueprint for the modern welfare state'. Lowe (2005) describes the shift in mind-set that the report brought about:

'Society became, in essence, more egalitarian and humane through the involvement of everyone, including the rich, in a programme of mutual insurance ... which, for the first time in history, freed everyone from the threat of absolute poverty. Moreover the guarantee of subsistence by government came to be widely accepted as a precondition of, rather than a threat to, personal responsibility. It was this revolution in values and in the role of government which led to the coining, and the public acceptance, of the term 'welfare state'. (2005:136).

This 1940s shift was underpinned by important political changes. The first majority Labour government was elected in 1945. From then until 1976 was the widely perceived occurrence of the 'classic welfare state' (Lowe, 1994:41; 2005:6; Fraser, 2003:280). During this time:

'In each area of welfare policy, major advances were sustained; in addition, a genuine prospect was offered of a constructive, rather than a confrontational, relationship, both between the objectives of economic and social policy, and between the principles of individualism and collectivism.' (Lowe, 1994:46).

The end of the classic welfare state came with the financial crisis of the mid-1970s. Many saw rising unemployment as a sign that the welfare state was failing, following Beveridge's aspirations of full employment (Peck, 2001:274). Public opinion was changing, and in 1976, conscious of the upcoming 1979 election and amidst calls for a new economic policy which reduced government spending, the Labour government abandoned the objective of full employment (Lowe, 1994:46-47).

Lowe (1994) claims that the reason for this failure was the failure of the government to instil the 'active promotion of individual welfare' (1994:47) throughout every organ and facet of society:

'In order to discharge this new responsibility effectively, a parallel transformation was required both in the institutions of government and in popular attitudes towards state intervention. Neither was achieved – at least, not with sufficient speed. As a result, the full potential of active state intervention was never realized; and the spectre was raised that the reconciliation of both economic and social policy and of individualism and collectivism might lead not to the best, but to the worst, of all worlds.' (1994:47).

Because many social institutions were reluctant to inject sufficient amounts of money into social insurance schemes, many were forced to resort to the means-tested benefits that were intended by Beveridge as a safety net, rather than the substantive element of the welfare state (Paz-Fuchs, 2008:106).

The origin of this failure is consistent with the reasoning of Hutton (1995) for the inability of Labour governments to instil successful policy change. As explained in Chapter 1, Hutton describes the inherent conservatism of modern Britain, which comes hand-in-hand with a preference for free-market economic policies and reduced government spending (1995:42).

The conditions which saw many lose their faith in the Labour government and Keynesian economics provided an ideal opportunity for the Conservatives to regain power. Headed by Margaret Thatcher, the 1979 government brought in radical changes, not least to the way welfare was perceived in the UK (Hill, 1993:123).

Informed by US ideologies of ‘dependency culture’ and individual responsibility, Thatcher was able to appeal to the new preference for reciprocity, influenced by increasing globalisation (Thatcher, 1993:625-27). She radically altered the terms of the contract between the citizen and the state. By reducing social security benefits, and reforming income support to restrict entitlement, she purported to address the ‘crisis in the welfare state’ that had developed in the late 1970s (Johnson, 1990:3). State provisions were stripped back, in accordance with the party’s free market aspirations.

It is argued that Thatcher’s policies saw a return of the ideologies of the Poor Laws described above (Puz-Fuchs, 2008:107). The notion of reciprocity as central to the social contract returned with reforms that demanded repayment of benefits (SSA 1988 c24 s2), the requirement to be ‘actively seeking employment’ (SSA 1989 c24 ss10, 13), and removal of benefits if any job was refused (SSA 1989 c24 s 12(1)(b)). The Conservative party later introduced the Jobseeker’s Act 1995, which reduced entitlement and imposed greater responsibilities on jobseekers to find work (Paz-Fuchs, 2008:122).

Traditionally, the free market policies triumphed by Thatcher have since been characteristic to varying degrees of Conservative governments (Johnson, 1990:2). Left-wing politics has

generally lent towards a more paternalistic state, offering increased regulation and social assistance. The blurring of these party lines can be said to have happened repeatedly throughout history, but Tony Blair's New Deal, introduced in 1997 saw New Labour lean significantly further to the right. He announced on taking up office that he would radically reform welfare in order to 'bring this new workless class back into society and into useful work, and bring back the will to win.' (Blair, 1997). The competitiveness that Blair referred to signified a change in the direction of the Labour Party, and a new contract between the state and the individual:

'his speech at Southwark was calculated to draw a line under the rights-and-entitlements approach to welfare reform while marking out the territory for the new "radical center" in British politics.' (Peck, 2001:262).

Noble (2009:12) suggests that New Labour 'embraced the essence of Conservative claims, although wrapping them in gentler rhetoric.' New Labour's adoption of Thatcher's ideology of reciprocity was a central theme to their campaign. They professed to the continuation of the *marketization* of the state, but in a way that benefited everyone, rather than just the 'winners' (Evans and Cerny, 2003:22-23). Giddens (1998:65) describes New Labour's 'prime motto for the new politics' was 'No rights without obligations'.

This new approach from Labour bore a closer resemblance to American welfare policies than those of Britain's European counterparts (Peck, 2001:262)<sup>6</sup>. The reason for this could be described as an adjustment from the centre-left in order to accommodate the increasing importance of economic globalisation in public consciousness as well as for economic reasons (Evans and Cerny, 2003:22-23).

In 1998, New Labour introduced their main compulsory welfare-to-work programme, the New Deal for Young People (NDYP) (Sunley et al, 2006:11). It was aimed at people aged 18-24, claiming Jobseekers Allowance (JSA) for over six months. After being entered onto the programme, the claimant was given four months of job seeking support from a personal adviser. After that four month period, claimants were required to choose between a few

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<sup>6</sup> Paz-Fuchs (2008:123) asserts that despite this connection, American ideologies were still largely distinct from those of the British. A key difference is the American tendency to blame the poor for their situation, an outlook that he thinks the British are much less likely to take.

options. Those with no basic skills or qualifications may undertake full-time education and training, for which they would be given an allowance for up to a year. Alternatively, they might choose to be placed in a subsidised job placement for six months. The wage paid by the employer was to be set at be at least equal to the subsidy that is paid to them by the government (£60 per week) (Sunley et al, 2006:12). Others were given a placement with a 'voluntary' or environmental organisation. Whilst on these placements, participants' benefits were supplemented by a small amount (Sunley et al, 2003:12). Sunley et al. (2003:12) describe the placements in voluntary or environmental organisations as 'the most workfare-like options in the programme.'<sup>7</sup>

New Labour was seemingly cautious of the term 'workfare', choosing instead to speak of the mandatory scheme in terms of the social contract rhetoric, using phrases such as 'something for something' (Blair, 1997). Despite this, many claim that although the ideologies were put into place by the previous conservative government, the New Deal represented the first post-war regime of workfarism (Peck, 2001:302).

The current coalition government has taken on workfare with vigour. Considerable welfare reforms took place on their entry into power, dismissing the New Deal and culminating in the Welfare Reform Act 2012. In 2011, the first full calendar year of the coalition government, the number of sanctions used on welfare claimants more than tripled in comparison with 2009 (Corporate Watch, 2012).

### ***Current Welfare-to-Work Programmes***

There are numerous programmes in the UK which have been described as workfare. Two schemes, the mandatory nature of which is not contested, are called Mandatory Work Activity (MWA) and Community Action Programme (CAP). Other schemes which have been described as workfare include the Work Programme, Sector-based Work Academies, Work Experience and Steps to Work. There is also a new scheme which has been announced, but is yet to come into practice. This is called Day One Support for Young

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<sup>7</sup> Other parts of the New Deal included voluntary programmes for the disabled, lone parents and long term unemployed over 24 year olds (Peck, 2001:302).



People. This section will describe the programmes, including information about their entry into force and the structures involved. Discussion about the mandatory nature of the schemes which prompts their description as workfare will be explained.

### *Mandatory Work Activity*

The Mandatory Work Activity (MWA) programme was introduced by the coalition government, and announced in a November 2010 White Paper called *Universal Credit: welfare that works*. The scheme began in May 2011, contracted with 11 ‘Prime Providers’ under the Jobseekers Act 1995 section 17B. The providers are required to place benefit claimants in 4 week work placements, for 30 hours per week. The placements should provide ‘a direct or indirect benefit to the local community’ (DWP, 2012a:para.4.13). The scheme is set to run until April 2015. In June 2012, the government announced that they would be expanding the scheme with an extra £5 million. This increased the number of yearly referrals under the programme from to up to 60 – 70,000 (DWP, 2012d). The Department for Work and Pensions (DWP) states that ‘MWA will be mandatory for all customers who are referred. There is no voluntary access to MWA.’ (DWP, 2012b:para.2.11)

Any person over the age of 18 who is claiming Jobseekers Allowance (JSA) may be referred to the scheme, based on an assessment of their need of ‘focus and discipline’ (DWP,2012a: para.2.4;2.2). If the claimant refuses to participate in the scheme, fails to attend any part of it or is dismissed from the placement due to misconduct (para.6.3), then they are subject to a 13 week sanction (para.6.6). If this happens twice in 12 months, they will be given a 26 week sanction (para.6.6). The sanctions involve the temporary removal of entitlement to JSA.

### *The Work Programme*

This scheme was also introduced as part of the coalition’s welfare reforms, and launched in June 2011. This programme focuses primarily on the long-term unemployed, or those at risk of becoming long term unemployed. The scheme also includes ‘others who are disabled or have a health condition, and who may have been out of work for several years.’ (DWP, 2011:5). Participants are required to undertake six-month long work placements.

The sourcing of these placements is contracted out to external providers. DWP will pay the provider up to £13,700 for each person who is placed under the scheme (DWP, 2011:7). The highest payments will be awarded for placing people deemed to have a 'limited capability for work and, as a result, has been receiving benefits for several years.' (DWP, 2011:6). Providers in this programme are given considerable freedom in the way they operate and how they choose to find work for the claimant (DWP, 2011:9). The scheme is mandatory for some, but others may volunteer. This is decided according to the individual claimants benefit status (DWP, 2011:6). DWP pays the most to the providers for those who are *required* to take part, rather than volunteer (DWP, 2011:6).

### *Community Action Programme*

The Community Action Programme (CAP) is designed for the very long term unemployed (DWP, 2012b). It is being piloted as the next step for those who have been through the Work Programme and are still claiming JSA. As the Work Programme will not have any completions until November 2013, the pilot is using people who have been on its previous equivalent, the Flexible New Deal (FND) (DWP, 2012b:para.2.3). Local providers are paid by the government to place individuals in 26 week long work placements, for 30 hours per week. The placements are unpaid and mandatory, with a threat of having welfare payments cut off if the individual fails to participate (DWP, 2012b:para.10). Similarly to MWA, all of the placements organised under CAP 'should provide a direct or indirect benefit to the local community.' (DWP, 2012b:Annex.2). The government are planning to launch CAP nationwide in 2013.

### *Sector-based Work Academies*

Under this scheme, the government trains benefit claimants to work in a particular sector. They are then required to undertake a work placement that could last up to 6 weeks. At the end of the placement, the individual is ensured an interview with the organisation in which they were placed. Although the scheme purports to be voluntary, there are reports that claimants are not informed of any 'opt out' option, and have been threatened with sanctions if they do not complete the placement (as of April 2012, the government have temporarily lifted the threat of sanctions for those who do not complete the schemes).

### *Work Experience*

Work experience is specifically for 16 to 25 year olds claiming JSA. It is voluntary to join the scheme, but once agreed the placement is mandatory, with possible sanctions of suspended welfare for 18 to 25 year olds who fail to attend (Citizens Advice Bureau, 2012).

### *Day One Support for Young People*

In August 2012, the DWP announced that this scheme would be tested in North and South London. The programme places 18 to 24 year olds who have worked for less than six months on a mandatory work placement, as soon as they claim JSA:

‘From the start of their claim members of the target group will be required to undertake a 13 week work placement which has to be of benefit to the community with a private or community-sector organisation - alongside provider-led job search.’ (DWP, 2012e).

DWP have invited prospective providers to tender for the scheme (DWP, 2012e).

### *Mandatory Nature of the Schemes*

There is some debate over the compulsory nature of some of the schemes. Whilst the government has claimed that some schemes are voluntary, it has been argued that providers and the Job Centre Plus (JCP) are behaving otherwise in practice (Boycott Workfare, 2012). It is beyond doubt however, that the government is still intentionally using workfare in the form of MWA and CAP, the second of which is soon to be launched at a national level. There is also evidence that these mandatory schemes are being used as indirect sanctions for failing to participate in the purportedly voluntary schemes (Ball, 2012).

### *Rationale behind Workfare*

The public rationale behind the welfare-to-work schemes is to combat unemployment by helping the long-term unemployed back to work (DWP, 2012f). It can be argued that the focus on work experience and training fails to address the root cause problem of unemployment - a shortage of jobs rather than skills. In Britain, there are reportedly around 400,000 job vacancies. This is compared with 2.68 million people who are unemployed and

actively seeking work. Consequently there are approximately six unemployed people for every job vacancy in the UK (Ball, 2012a).

A possible reason why the government has chosen to take this path in relation to unemployment is the influence of the mainstream media. In order to boost popularity, politicians must be seen to be addressing the concerns of the public. The public are heavily influenced by the media and the policy concerns of the majority are likely to mirror that of the mainstream media. Rather than attributing unemployment to the job shortage, the media have been targeting those receiving welfare payments. The Glasgow Media Group reported from a study across 5 national papers that the use of words such as 'scrounger, skiver and cheat' has tripled in the past five years (Briant, Philo and Watson, 2011:5). In the implementation of such schemes, it could be argued that the government are attempting to appeal to this popular rhetoric.

### ***Effects of Workfare***

The DWP claim that the coalition government's welfare reforms aim to 'help people to move into and progress in work, while supporting the most vulnerable.' (DWP, 2012g). This section will assess the effects of the workfare schemes, in an attempt to gauge whether this objective is being advanced.

Various reports have doubted the effectiveness or social benefits of the coalition's workfare schemes. Prior to the introduction of MWA in 2011, The Social Security Advisory Committee (SSAC) issued a report to the government advising against the scheme. The report warned that 'Published evidence is at best ambivalent about the chances of 'workfare' type activity improving outcomes for people who are out of work.' The Committee went on to warn of the possibly detrimental effects that the scheme could have: 'We are concerned that mandating an individual to this scheme could... reduce the participants' chances of finding employment.' They expressed a concern that the scheme 'is regarded as a punishment rather than an opportunity' due to its purely mandatory nature. (SSAC, 2011:4). In spite of this warning, the government went on to implement MWA.

In June 2012, a report commissioned by the DWP was handed over to the House of Commons. The report, which assessed the success of MWA since its implementation,

stated ‘The results show that ... an MWA referral had no impact on the likelihood of being employed compared to non-referrals.’ (DWP, 2012c:40). This showed that Mandatory Work Activity was not proving effective at getting people back to work. Despite this evidence, Chris Grayling announced on the same day that the scheme would be expanded with an extra £5 million of government money (Malik, 2012). Jonathan Portes, the Director of the National Institute of Economic and Social Research, who are responsible for the report, criticised Grayling for the decision, which had no justification based on the evidence in the report:

‘This is a complete policy disaster. It is very difficult not to conclude that, whatever your position on the morality of mandatory work programmes like these, the costs of the programme, direct and indirect, are likely to far exceed the benefits.’ (Portes, 2012).

Given the evidence that the schemes are expensive for the government, and not effective in lowering unemployment, it may appear that there are no beneficiaries. A closer look into the schemes reveals that workfare is beneficial for two particular actors. These are the providers on whom the government confers contracts for the implementation of the programmes, and the organisations that the benefit claimants referred to the scheme are placed in.

The private providers are paid commission for placing people in organisations and ensuring that they complete those placements. Often, big organisations bid for the contracts and then themselves contract smaller local organisations to carry out the work. A4e is a big organisation contracted as a provider for many welfare-to-work schemes. The organisation is given up to £180 million worth of contracts from the government every year. In early 2012 it was revealed that Harrison, chief executive of A4e had awarded herself a dividend of £8.6 million in 2011 (Harris, 2012). Harrison at the time had been appointed ‘families champion’ by David Cameron. A4e has been accused of using smaller local organisations as ‘bid candy’ when vying for the contracts, and then in practice handing them very few referrals (Toynbee, 2012b). In other areas, it is reported that A4e hands down all of the work to a sub-contractor, but not before taking off 12.5% of the allocated government money (Harris, 2012). Harrison resigned from her post as chairwoman and Cameron’s

family champion, amid allegations of fraud, but continues to be majority shareholder of the firm (Butler, 2012).

The other beneficiaries are the organisations that host the placements. They are provided with free labour, allowing them to further increase their profits. Viewed according to Bakan's account of the corporate structure (2003), it is not surprising that they accept the placements given their legal obligation to maximise profits. Although the schemes specify that the placements 'must be additional to existing or expected vacancies' (DWP, 2012b:Annex.2), there have been increasing reports of firms replacing large proportions of their fully paid workers with government funded workfare placements. As Clark (2012) reports, 'Tesco has acknowledged that it has profited from approximately 300,000 hours of unpaid work from 1,400 placements in "recent months".' London Underground benefited from 200 workfare placements in 2011, following 800 staff redundancies in 2010 (Boycott Workfare, 2012b).

Despite adamant statements that the schemes are not intended to replace fully-paid labour, Grayling has been using a different rhetoric to encourage business participation in the Work Programme, reportedly emphasising the financial benefit of such a scheme:

'Recruitment is a grind, money spent on advertising... wouldn't you prefer a service that did that for you for free?' (Right to Work, 2012a)

Although it could be argued that this statement is pertaining to the employment of individuals following their participation in the Work Programme, it still strongly suggests that there is a business-centred imperative at play in the true rationale behind the schemes. Bournemouth and Poole College were advertising the Work Programme as 'try before you buy' for businesses (Smith, 2012). Again, this language pertains to the prevailing attitude towards workers as commodities, as well as advertising the Work Programme as a scheme for the benefit of businesses rather than to help the long term unemployed.

The coalition government awarded lucrative contracts to organisations set up by prominent Conservative party donors. John Nash and Ryan Robson donated over £450,000 to the Conservative party over the past decade. Their training company was subsequently awarded a £69 million contract to deliver the Work Programme in Warwickshire and Staffordshire,

and a £4 million contract for MWA in the West Midlands. Following these contracts, they have since sold the business ‘for an undisclosed sum’ (Syal and Hughes, 2012).

One important effect of the schemes is the amount that is earned by participants. Because they are usually ‘unpaid’ placements, the participant is left to rely on JSA payments and possibly expenses to survive. Viewed in terms of earnings, this works out at a wage as small as £1.78 per hour (Public Interest Lawyers, 2012). Evidently, this is much less than the minimum wage<sup>8</sup>. Consequently because the participant is being made to work, often in a sector that they do not wish to pursue a career in, they have less time to search for fully paid work and are less likely to pull themselves out of poverty.

Furthermore, it has been argued that workfare ‘undermines the pay and conditions of other workers’ (Clark, 2012). This is because short term contracts at little to no expense are often much more appealing to employers than permanent fully paid staff. A new fear of ‘job substitution’ has entered the minds of many who work in organisations using workfare (Boycott Workfare, 2012).

It could be argued that the workfare schemes employed by the government are actually perpetuating Britain’s economic problem, as the amount of fully paid jobs decrease due to workfare placements, and less money is paid to British workers, thus entering the economy. The big corporations that profit from workfare are less likely to inject their money into the British economy, as many of whom will benefit from tax avoidance schemes and international head offices.

An analysis of the effects of workfare leaves one questioning the government’s objective in implementing these mandatory schemes. There is mounting evidence to suggest that the schemes are not delivering the objectives of helping people to move into work, or supporting the most vulnerable. On the contrary, unemployment has risen and the most vulnerable people are getting poorer. Despite this, the coalition government continue to invest in the schemes, and add more mandatory schemes.

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<sup>8</sup> The national minimum wage is set at £6.08 per hour for everybody over 21 (DirectGov, 2012).

### *Responses to Workfare*

The coalition government have seen a strong response to workfare policies from civil society. Existing groups, such as the Right to Work campaign, have publicly criticised the policies, and held demonstrations against them (Right to Work, 2012b). The response has been so strong that new groups have been formed, such as Boycott Workfare, a movement campaigning specifically against workfare. This organisation uses direct action such as letters, calls and protests outside of business premises in order to pressure the organisations that use benefit claimants on workfare as a part of their workforce. Boycott Workfare also calls for information from people who have been referred to the workfare schemes, in order to monitor providers and expose any discrepancies between the government's presentation of the schemes and the reality (Boycott Workfare, 2012a). This increased transparency is important as there have been instances where the government have incorrectly claimed that the schemes do not threaten participants with sanctions.

Some individuals subjected to the workfare schemes have taken legal action, including claims that the schemes amount to forced labour and are therefore a violation of Article 4 ECHR. One such case and the resulting judgement, is discussed further in Chapter 3.

The effect of this social pressure has been considerable. Many organisations that were involved in the workfare schemes have pulled out in response to the protests. The demonstrations, which involved 'naming and shaming' workfare users, provided a threat to the image of organisations. As most businesses see brand as fundamental to their profit-making capacity, they are forced to pull out of the schemes when profits are threatened. Organisations that have pulled out of the schemes include Burger King, Oxfam, Sainsburys, Waterstones and TK Maxx (Clark, 2012; Riberio, 2012). Others have attempted to dispel the attention by suspending the schemes, or promising not to increase their workfare labour (Boycott Workfare, 2012c).

In a concessionary response to the outcry, the government have suspended the use of sanctions for the Work Experience, the Work Programme and the placement element of sector-based work academies (Boycott Workfare, 2012d). This signifies a considerable retraction from the government, who were under pressure from civil society. They have,



however, retained the use of sanctions with regards to the other mandatory schemes mentioned above.

### **Chapter 3: Workfare and Human Rights**

This Chapter explores the theoretical and philosophical underpinnings of economic and social rights in order to develop an understanding of these rights, and corresponding obligations, in relation to welfare provisions. The right to freedom from slavery and forced labour, which is traditionally classified as a civil and political right, is considered with regard to its traditional meanings. This understanding will be considered in light of the concept of workfare and current schemes outlined in the previous chapter, in order to ascertain where these policies lie in the normative realm of human rights.

#### ***Economic and Social Rights in the UK***

The concept of economic and social rights are said to have originated from one central theme across many traditional values. This theme is the importance of caring for one another, especially for those in need (Steiner et al., 2007:269). This ideology confers a duty upon individuals, and then further imposes a *positive obligation* on the duty-bearer. This obligation creates a distinction from civil and political rights, for which the obligation tends to be a negative one, for example to refrain from oppressing the freedom of speech of others. A key duty-bearer in relation to human rights is the government. In terms of economic and social rights, the obligation that falls on the government to fulfil these rights could be considered onerous. This may be the reasoning behind many states' reluctance to be bound by moral understandings and legal codifications of economic and social rights.

The UK is no exception to the resistance of fully realised economic and social rights. When the Universal Declaration of Human Rights (UDHR) was being drafted, the UK objected to the inclusion of these rights, arguing instead for a document conferring recognition of civil and political rights alone (Steiner et al., 2007:271). The UK government have since symbolically affirmed their commitment to such rights, by ratifying the main UN instrument offering legal codification of such rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR). Nevertheless, their failure to ratify the Optional Protocol to ICESCR, which allows for individual complaints, is a sign of reluctance to fully commit to the realisation of such rights. Similarly at a regional level, the UK have ratified the European Social Charter, Europe's codification of economic and social rights, but again not

ratified the collective complaints procedure. Steiner et al. (2007:282) note that this behaviour is common to most states:

‘Although formal support for economic, social and cultural rights has been near universal, in practice no group of states has consistently followed up its rhetorical support at the international level with practical and sustained programmes of implementation.’

### ***Philosophical Understandings***

Kant (1797) saw the duty of respect as the duty to live in a way that does not take away the possibility of another man to live to a reasonable standard:

‘...in fulfilling a duty of respect I obligate only myself, contain myself within certain limits in order to detract nothing from the worth that other, as a man, is entitled to posit in himself.’ (Kant, 1797:291).

This idea of man living within certain limits to allow for the life of another is a far cry from the prevailing ideology in the UK today. For example, in 2010 chief executives for the top 100 London Stock Exchange companies earned an average of £4.2 million (High Pay Commission, 2011:23). This is 162 times the average wage in Britain (Robinson, 2012). At the same time, 9.8 million people in the UK were living below the poverty line<sup>9</sup> (Ramesh, 2012).

Kelley (1998) argues that welfare rights are different from other rights in that they are based on the realisation of outcomes rather than processes. It could be argued that these rights are not as different as Kelley suggests. Welfare rights can also be framed as ‘freedom from’ rights in the sense that they are a right to freedom from poverty. Welfare rights are intended to bring everyone to the very minimum level of subsistence in order to preserve their health and dignity. This is arguably creating the necessary conditions for people to be able to then elevate themselves to a level of success, but whether that success is achieved is down to the individual and not a right. For example, a homeless person is unlikely to find work if they do not have an address for correspondences, or smart clothes in which to attend

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<sup>9</sup> The poverty line was set at a level of income of £251 per week. In 2010-11, 16% of the British population were living in households earning below the poverty line (Ramesh, 2012).

interviews. Conversely, *liberty* rights, as Kelley calls them, could be said to guarantee the liberty of every person, and consequently are concerned with outcomes.

Kelley's theory is based on the assumption that poverty is the fault of the poverty-stricken. By claiming that welfare rights are not liberty rights, he fails to understand that poverty is caused by the neoliberal economic practices employed by the government. In facilitating a system that is based on competition for wealth, it is implicitly accepted that there will be 'losers' who are not naturally able to support themselves. In recognising the rights of everyone to freedom from poverty, the oppressive effects that the system has on the lives of many can be limited. This happens in the same way that the right to freedom of speech may limit the destructive effects of a potentially oppressive government.

Kelley suggests that welfare rights are not congruent with freedom:

'...liberty rights reflect an individualist political philosophy that prizes freedom, welfare rights a communitarian or collectivist one that is willing to sacrifice freedom...' (1998:28-29)

He sees the collective contribution to social welfare as a limitation on the freedom of persons. He does not, however, consider the perspective that welfare rights are in place in order to safeguard peoples freedom. This is so because people trapped in poverty do not have 'freedom' if the word is interpreted as to mean the fulfilment of the 'liberty rights' that Kelley refers to. Economic and social rights are often a prerequisite for the realisation of civil and political rights. Economic and social rights equip a person with the necessary tools to live in a way that allows them to exercise their civil and political rights. For example, if a person is homeless, they cannot register to vote (Stiener et al., 2007:263). Because of the poverty that they live in, they are unable to participate in a free and fair democracy. This limits their freedom to contribute to decisions about how the state is governed.

Neier (2006) argues that economic and social issues such as welfare allocation should be decided by the democratic process of public decision-making:

'In my view, the purpose of the democratic process is essentially to deal with two questions: public safety and the development and allocation of society's resources... Economic and security matters ought to be questions of public debate. To withdraw either of them from the democratic process is to carve out the heart of that process.' (Neier, 2006:1).

Neier uses examples in order to reiterate his point, but the examples fail to acknowledge the need for a basic minimum which should be conferred as a right. He chooses economic and social decisions that go beyond basic rights, for example, *what level of* health care, housing or jobs people should be entitled to (2006:2). Agreeably, these are questions that often should be decided by the democratic process rather than the judiciary. However, Neier is bypassing the decisions as to whether people *are entitled to* health care, housing or jobs at all. To leave these decisions to the imperfect democratic process is potentially very dangerous, in light of the influences to that process from the machinery of the neoliberal capitalist system such as the greed of corporations. The classification of economic and social rights allows these basic entitlements to be kept in place, and for decisions regarding allocation of resources to economic and social issues *beyond* that minimum level to be left to the democratic process.

It may then be argued that workfare policies concern the decisions beyond such rights, as should be left to political processes. On the contrary, workfare is a violation of the right to welfare because it erodes that minimum level. It replaces the *entitlement* to welfare with the *opportunity* of welfare, based on conditions. If the conditions are not fulfilled, then there is no minimum level that every person has a right to, they are left with nothing.

The problem with this view of welfare as a right is that it could be argued that it does not allow for the small degree of conditionality that is required for the equitable allocation of resources in a traditional welfare state. With regards to requirements such as the provision of information about a person's financial situation, this does not impose conditions on the right to welfare itself; rather it provides a check on whether this right is being fulfilled. Their economic and social rights may already be fulfilled if they have the means to live to a certain standard without assistance from the government. A frequently used condition that is more difficult to synchronise with the concept of welfare as a right is the requirement that the person is actively seeking work. The rationale for this is centred on the concept of the claimant's *ability* to work. Supposedly, if the claimant is able to fulfil his right to welfare by another means, i.e. working, he should not impose the duty to provide welfare on the state. It is when the conditions imposed become more onerous that the concept of the right comes into question.

White (2000) referred to the state imposition of these conditions as ‘welfare contractualism’ (2000:508). He incorporated the element of conditionality by shifting the concept of a right to welfare to the idea of a right of *reasonable access* to welfare:

‘...where reasonable access means, in part, that the resource in question can be acquired and enjoyed by the individual concerned without unreasonable effort.’ (2000:510).

White takes what he calls a ‘fair reciprocity’ approach in defining the terms of welfare contractualism. He believes that there is a certain amount of reciprocity that is expectable in the reasonable access to such resources. He outlines the parameters of this social contract in his ‘intuitive conditions of fair reciprocity’ (2000:515) which contains four elements.

The first condition is the ‘Guarantee of a decent share of the social product for those meeting a minimum standard of productive participation.’ (White, 2000:515). It could be argued that requiring claimants to work and not paying them the nationally agreed minimum wage, is not guaranteeing a decent share of the social product. White himself states that the condition is ‘frequently violated by workfare initiatives in practice’ (2000:515).

White’s second condition is the provision of ‘decent opportunities for (and in) productive participation’ (2000:515). He goes on to emphasise that in these opportunities; there should be an adequate choice as to the type of work that the claimant does. He argues:

‘...it is inequitable to leave some people in jobs so awful as to jeopardize their overall prospects for a happy and fulfilling life.’ (2000:515)

This condition can also be said to pose a problem when looking at current workfare policies. Often, claimants are given no choice as to what kind of placement they are to undertake. The detrimental effects of this are illustrated by one of the cases taken to court. This concerned a welfare claimant being forced to stop volunteering at her local museum, in order to go and undertake a role stacking shelves at Poundland under the threat of suspended benefits. She was not given any choice as to which placement she would be given, and the work was far from the field that she aspired to be in (*R. (on the application of Reilly) v Secretary of State for Work and Pensions* [2012]:para.91-105). In fact it could be argued that by forcing her to stop volunteer work, the state was jeopardising her ‘prospects for a happy and fulfilling life.’

White's third condition was 'equitable treatment of different forms of productive participation' (2000:515). He argued that the most important social institutions were the market and family. Any work that contributes to the economy through remuneration from the market, or care work, constitutes productive participation. White believed that care work was a significant enough contribution to the community that it deserved recognition and subsidy (2000:515-516). It could be argued that there are other forms of participation that should be included in this recognition, such as volunteer work for the public interest.

The last condition that White included in his fair reciprocity principle was 'universal enforcement of the minimum standard of productive participation' (2000:516). By this he meant that all 'productively capable' citizens should be expected to meet the same standard of reciprocity in order to be guaranteed the right to welfare. Effectively he means that the *reasonable access* to welfare mentioned earlier should involve the same minimum standard of effort for all. With regards to the government's current schemes, it could be said that this last condition is not fulfilled. Because of the 'trailblazer' initiatives, people living in one area or who are chosen to be referred to certain schemes, are expected to contribute a higher level of participation than others in order to receive a basic standard of welfare. Differing organisations that are contracted in different areas may also impose slightly different standards within their discretionary remit.

Plant (2003) holds a notion of collective responsibility that arises from a rationale which recognises that individual duty-bearers are difficult to identify with regards to economic and social rights (2003:15). He uses Narveson (1973) to explain his reasoning:

'...a duty has to be someone's duty. It can't just be no one's in particular. Consequently the thing to do is make it everyone's duty to do something, even if that something is a matter of seeing that someone else does it.' (Narveson, 1973:235).

It follows from this that the individuals' duty with regards to economic and social rights is to contribute to the tax system and other means by which these rights are collectively safeguarded.

In contemplation of the concept of economic and social *rights*, a commonly cited problem is the assertion of such rights in areas of scarce resources. The ICESCR attempts to reconcile this problem through the notion of progressive realisation:

‘Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, *to the maximum of its available resources*, with a view to achieving *progressively* the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.’ (ICESCR Article 2(1)) (emphasis added).

This is arguably a provision for developing countries, which are less able to provide welfare to citizens than wealthier countries. The problem in this provision is that, if interpreted in a certain way, it effectively provides a get-out clause for countries not fulfilling these rights. The determination of ‘maximum available resources’ is subjective, as the amount of public funds that should be spent on other areas such as military spending is highly contested. Furthermore, the allowance of progressive realisation means that governments can claim that this is happening without fully realising the economic and social rights of its citizens, even if it does have sufficient resources to do so.

### ***Right to Work***

The right to work traditionally conflicts with the idea of a free market system (Siegel, 2002:24-25). This is because neoliberal economic practices prefer the freedom of a flexible workforce, and do not want to be restricted by obligations towards individual workers. The International Labour Organisation (ILO) purports to be fundamentally against the commoditisation of the workforce, as discussed with relation to neoliberal free market tendencies. The 1944 Declaration of Philadelphia, which has been annexed to the ILO Constitution, expressly states ‘labour is not a commodity’ (I(a)). This same document also recognises the right to the essential conditions of achievement, which could be construed as a right to work:

‘...all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity’ (II(a)).

This was followed by the UDHR in 1948, Article 23(1) of which stated:

"everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"

The legal codification of this right appears in Article 6(1) of the ICESCR:



‘The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work *which he freely chooses or accepts*, and will take appropriate steps to safeguard this right.’ (emphasis added).

An important element of this right is the free choice element. With regard to workfare policies, participants are reportedly given no choice as to where they carry out their placement, thus violating this freedom of choice. The Convention also contains the element of acceptance. Because the schemes are mandatory and participants do not have the option to reject the placements without losing the means to a basic standard of welfare, there is also a violation of the right to freely accept the work.

The Committee on Economic, Social and Cultural Rights (CESCR) have expressed concern that workfare policies in Canada were endangering this right:

‘The Committee urges the federal, provincial and territorial governments to review their respective “workfare” legislation in order to ensure that none of the provisions violate the right to work freely chosen and other labour standards, including the minimum wage, rights which are not only guaranteed by the Covenant but also by the relevant ILO conventions on fundamental labour rights and labour standards.’ (CESCR, 1998:para.55).

It could be argued that the right to work of JSA claimants is being violated, as they are unable to find work due to the job shortage in the UK. Siegel (2002:34) suggests that the State’s minimum obligations with regard to the right to work include:

‘(1) not to take steps calculated to create or sustain high levels of unemployment for society generally and vulnerable groups and sectors in the society in particular; and (2) create and implement strategies and programmes to maximise employment and reduce comparatively high levels of unemployment and underemployment.’

Arguably, the strategies employed by the state do not have the intention of maximisation of employment. This is evidenced by the government’s resolve to continue with the schemes despite a lack of evidence of their success.

By forcing claimants to undertake unpaid workfare placements, the government could be accused of further endangering the right to work, as claimants are given less opportunity to search for jobs.

### ***Right to Remuneration***

The right to remuneration is seen as a part of the necessary conditions of work, and is included in Article 7(a) ICESCR:

‘The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant...’

The UK’s national minimum wage provides an indication of the minimum level of what is understood as a ‘fair wage’ in the UK. On consideration of the evidence that those on workfare programmes are earning considerably less than the minimum wage, as mentioned in Chapter 2, it follows that the schemes could be said to constitute a violation of the right to remuneration.

A further consideration with regard to this right is that of equal pay. There have been instances where workfare placements have reportedly constituted roles that are very similar to those held by fully paid workers (TUC, 2012). This suggests that in some instances the schemes could also be violating the right to equal pay.

Article 7(a)(ii) presents the issue of ‘a decent living’. It is very difficult and highly subjective to determine what constitutes a decent living. Many would argue that benefit claimants forced to undertake welfare are not able to obtain a decent living on the allowance they are given, as it often leaves them below the poverty line<sup>10</sup>.

### ***Right to Social Security***

ILO’s 1944 Declaration recognised the need for ‘the extension of social security measures to provide a basic income to all in need of such protection’ (para.III(f)). The right to social

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<sup>10</sup> JSA for over 25 year olds amounts to £71 per week, or £56.25 for those under 25 (DirectGov, 2012b). The poverty line is set at £251 per week, as described above.

security was later declared in the UDHR 1948 Article 22. The UN codified the right in ICESCR Article 9: ‘The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.’ The Social Security (Minimum Standards) Convention 1952 is widely regarded as setting the standards for the practical application of the right (Reynaud, 2007:1). The Convention outlines nine key areas of social security. These are medical care, sickness benefit, unemployment benefit, old age benefit, employment injury benefit, family benefit, maternity benefit and invalidity benefit.

Reynaud (2007) describes how social security needs have drastically changed over the past two decades. This is in part due to the shift in economic policymaking from Keynesian to neoliberal practices, which took place after the industrial era:

‘The emerging service-dominated economy creates greater inequalities... It produces substantial long-term unemployment, job insecurity, low-paid jobs, poverty and social exclusion.’ (2007:5).

This new social order included an emphasis on free-market economics and a reduction in social security expenditure, as explained in Chapter 2. This led to a change in the political treatment of the right to social security. The right became dependant on conditions designed to deter people from claiming the benefits, and push people back into work (Reynaud, 2007:6).

A core principle of the right to social security according to the ICESCR is that of non-retrogression (Bierweiler, 2007:187). This flows from the progressive realisation requirement of economic, social and cultural rights. It could be said that in imposing conditions that were not previously attached to the right to social security, the government is regressing in its realisation of the right.

### ***Right to an Adequate Standard of Living***

The right to an adequate standard of living is codified in Article 11(1) ICESCR. The key requirements for such a standard are included in the declaration of the right in Article 25(1) UDHR:

‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including *food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*’

The provision of medical care and social services, although not completely separate to the issue at hand, are extensive issues that would be difficult to consider within the confines of this paper. Other contributory elements to an adequate standard of living such as food and clothing could be dependent on the receipt of social security. If the government are failing to fulfil the right of social security, they are likely to be consequently violating the right to an adequate standard of living<sup>11</sup>.

### ***Right to Freedom from Slavery and Forced Labour***

‘No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.... No one shall be required to perform forced or compulsory labour’ (Article 8 ICCPR).

The UK is much more receptive to the recognition of civil and political rights than economic and social rights. The Human Rights Act 1998 (HRA) is the UK’s domestic codification of the rights contained in the ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The right to freedom from slavery and forced labour is legislated in Article 4 HRA:

- ‘1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.’

Some commentators have referred to the use of workfare policies as slavery (Archist, 2012). However, there is a crucial element in the traditional understanding of slavery that is not fulfilled by the workfare policies. This is the element of some form of ownership. The Slavery Convention of 1926 suggests that slavery is ‘the status or condition of a person over

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<sup>11</sup> It is presumed that the government is a duty-bearer with regard to these rights. The formulation of Article 25 UDHR specifically excludes the term ‘social security’ due to uncertainty as to the obligation holders (Eide and Eide, 1999:524).

whom all or any of the powers attaching to the right of ownership are exercised.’ (Article 1(1)).

‘Servitude’, which is not usually referred to in common discourse, is worth considering. Hoffman and Rowe (2006:150) consider servitude as including:

‘...the obligation to provide a service to someone else, without the freedom to leave that person’s service – unlike when one usually provides a service as an employee, where the employee is free to leave their job, even if it is only on certain conditions, such as giving notice.’

It could be argued that this obligation is similar to the experience of those on workfare, as the freedom to leave is seriously restricted by the threat of sanctions.

The most common accusation used by workfare critics is that the policies amount to forced labour. In fact, this was the argument used in the case brought against the coalition’s welfare to work programmes in 2012 (*R. (on the application of Reilly) v Secretary of State for Work and Pensions* [2012]).

Hoffman and Rowe (2006:150) describe the underlying principle behind the prohibition of forced labour:

‘...it is a fundamental part of treating people with the basic dignity which they deserve as human beings, that they should be treated as *people* and not as *property*, or, one could add, work tools and machines.’

This value assertion could seem obvious and widely accepted in today’s society. However, it resonates with Hutton’s warning of the increasing commoditisation of the workforce occurring in the UK (1995:95). If workers are seen as economic commodities rather than human beings, their rights are more likely to be side-lined in favour of the perceived economic good.

In the case *R. (on the application of Reilly) v Secretary of State for Work and Pensions* [2012], Lord Justice Foskett claimed that these programmes were ‘a very long way removed from the kind of colonial exploitation of labour that led to the formulation of Article 4’ and also ‘a long way from contemporary thinking’ (para.174).

In order to arrive at a normative understanding of the meaning of forced labour, we can look to historical definitions. In The Convention Concerning Forced Labour 1930, the International Labour Organisation (ILO) defines forced or compulsory labour as:

‘...all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’ (Article 2(1)).

This definition resonates with the realities of workfare. The key elements of compulsory nature and threat of penalty are the main characteristics of workfare today.

Justice Foskett used the perceived objectives of the schemes as a rationale in dismissing the claims of forced labour. He said that if they were used as a means of helping the individual to find employment, they cannot be said to constitute forced labour (para.174). In addition to the possible contention that this reasoning lacks legal grounding of any substance<sup>12</sup>, it could be argued that historically the intention of the supposed wrongdoer in imposing such conditions has never factored in the determination of the occurrence of forced labour, slavery or servitude. Beyond this point, increasing evidence that the schemes do not help to decrease employment, as explained in Chapter 2, cast doubt upon the supposed intention of the policies.

In response to allegations that workfare schemes amount to forced or compulsory labour, the exclusion set out in Article 4(3)(d) may be used as a defence (Carse, 2012). This provision excludes the classification of forced labour for ‘any work or service which forms part of normal civic obligations’. It is suggested that taking part in the placements simply amounts to carrying out ones ‘normal civic obligations’. In response to this defence, it could be argued that there is a legal establishment in the UK that nobody should be obligated to work for less than minimum wage<sup>13</sup>. Working for less than minimum wage, as

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<sup>12</sup> The legal application of the convention arguably should not concern motives behind the imposition of the conditions under scrutiny.

<sup>13</sup> The National Minimum Wage Act 1998 Article 2 states that ‘A person qualifies for the national minimum wage if he is an individual who: (a) is a worker; (b) is working, or ordinarily works, in the United Kingdom under his contract; and (c) has ceased to be of compulsory school age.’

those on the schemes are obliged to do, is consequently beyond the normal civic obligations of a UK citizen.

## Conclusion

Workfare represents a serious threat to the human rights of UK citizens. The imposition of unreasonable conditions upon the right to welfare is indicative of the erosion of an entitlements-based system, and consequently signifies the reformulation of the welfare state. The poverty that ensnares people as a result of workfare undermines many economic and social rights. There is a strong argument to suggest that workfare constitutes a violation of the right to freedom from forced labour.

Economic and social rights are cornerstones of a liberal society, often a prerequisite for the realisation of civil and political rights. The conditions imposed by workfare remove the basic *entitlement* to welfare in the UK, leaving no minimum level of welfare guaranteed.

By proceeding with schemes that do not effectively maximise employment, and restricting the ability of the unemployed to find real work, the government is arguably violating the terms of their obligation to protect the right to work of many. The free choice element in the right to work is also called into question by the compulsory nature of the schemes, along with reports of little to no choice as to which placements are undertaken. The failure to pay the minimum wage violates the participants' right to remuneration. Policies that impose excessive conditions endanger the right to social security, rather than ensure its progressive realisation. Consequently, this further impacts the right to an adequate standard of living.

Despite the UK's perceived commitment to the protection of civil and political rights, the implementation of workfare has prompted allegations of state-sanctioned slavery and forced labour. The required 'ownership' element of slavery brings workfare short of this violation, but the allegations of forced labour is worthy of consideration. Workfare includes the compulsory nature and threat of penalty that are understood as key characteristics of forced labour. Working for less than the minimum wage is arguably beyond anyone's civic responsibility; least of all the responsibility of society's poorest.

The public rationale behind workfare is to combat unemployment by helping the long-term unemployed back to work. However, there is mounting evidence that workfare does not address the problem of unemployment, which is an economic rather than a cultural problem. In Britain, there are six unemployed people for every job vacancy, yet government policies



such as workfare frame the problem as the fault of the unemployed, who are in fact an inevitable consequence of the job shortage. These policies, instead of addressing economic problems, appeal to the popular media rhetoric of 'lazy dole scroungers'. The supposed objective of reducing unemployment appears to act as a smokescreen for political and corporate imperatives in the imposition of workfare.

Additionally, workfare provides a pointed representation of the changing ideologies of the UK government. This effective dismantling of the welfare state is a result of increasing neoliberalism and free-market tendencies preferred by the current government. These practices are less compatible with the welfare state than the Keynesian period in which it was developed, which saw social spending as congruent with economic success.

The impact of sections of civil society's oppositional response to the schemes produces a strong indication that social pressure is a key impetus for minimising the effects of the business-centred approach of the state. Ultimately, business is reliant on people, enabling us collectively to influence corporate decisions by changing the terms of success.

It could be said that the erosion of the ideology of collective responsibility for the economic and social rights of all has given rise to a new collective responsibility, to produce the necessary conditions under which commerce and government are forced to act in a way that preserves the realisation of human rights.

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