



The Manchester Centre for Regulation, Governance and Public Law (ManReg)

and the

Work and Equalities Institute (WEI)

Research seminar

10 October 2019, 13.00-14.30

Williamson Building, room 3.53

A poverty of labour law? Minimum wage erosion in care work

Professor Lydia Hayes, Kent Law School, University of Kent

Does the Court of Appeal's record on minimum wage claims in care work represents a poverty of labour law? Care workers' minimum wage rights were severely curtailed in *Walton v Independent Living Organisation* [2003] EWCA Civ 1991 and in *Mencap v Tomlinson-Blake* [2018] EWCA Civ 1641 the Court of Appeal removed minimum wage entitlements from care workers on overnight 'sleep in' shifts. Seemingly, judicial reasoning has marginalised the labour market position of care workers and constructed the fundamentals of care work as exceptional and unworthy of statutory pay protection. Problems of low pay, insecurity and an absence of effective legal protection are widespread in the UK care sector. Professor Hayes has previously argued that gender-based inadequacies in employment rights underpin the 'institutionalised humiliation' of care workers as a class (*Stories of Care: A Labour of Law*, 2017). In this talk, Professor Hayes draws on that framework to narrate a gender-sensitive account of Government, HMRC, and judicial treatments of care workers' right to pay protection.

The forthcoming appeal to the Supreme Court in *Mencap v Tomlinson Blake* represents the first review of minimum wage rights in 90 years by the UK's most senior judges. Professor Hayes' talk also highlights what is at stake: a purposive and universalist future for the UK's statutory minimum wage scheme.

Tea/coffee and biscuits will be served from 12.45 onwards. Come and join us.

For more information on ManReg, please visit: <https://www.socialsciences.manchester.ac.uk/manreg/>.

For more information on WEI, see: <https://www.wei.manchester.ac.uk/>