Contents

Ta	ble oj	f Cases f Legislation Abbreviations	xv xix xxiii				
1.	,						
	Labour Law						
	1.	Introduction					
	2.	The Standard Model in United Kingdom Labour Law	3				
		 2.1 Defining 'Non-Standard' Work 4 2.2 The Emergence and Dominance of the Standard Employment Relationship 8 					
	3.	Employment Relationship 8 Non-Standard Work as a Form of Flexibility	11				
		3.1 The Pre-eminence of Labour Market Flexibility 11	, 11				
		3.2 Flexibility and Non-Standard Work in Labour					
		Market Policy 15					
		3.3 Labour Law and Flexibility in Contemporary					
	4.	UK Policy Discourse 21 The Scope and Structure of the Book	26				
	т.	The Scope and Structure of the Book	26				
2.	'Th	e Employee' and 'the Worker': The Fragmented					
2.	Expansion of UK Labour Law						
	1.	Introduction	30 30				
	2.	Employment Status and Non-Standard Work: The Narrow	30				
		Gateway to Statutory Rights	31				
		2.1 Disguised Employment 32	51				
		2.2 Semi-Dependent Workers 34					
		2.3 Casual Workers 37					
	2	2.4 Workers in Multilateral Relationships 38					
	3.	Protecting 'the Worker': A Promise Yet to be Fulfilled	41				
	4.	Conclusions: A Retreat from the Protection of					
		Non-Standard Workers	48				
3.	Fne	Suring Equality and Availability The Decales					
<i>J</i> .	Ensuring Equality and Availability: The Regulation of Part-Time Work						
	1.	Introduction	55				
	2.		55				
	 3. 	Part-Time Work, Gender, and Disadvantage Exclusion, Discrimination, and Part-Time Work:	56				
	<i>J</i> .	Regulation Pre-New Labour	50				
		regulation re-new Labout	58				

		3.		ployment Protection and Discrimination:		
			The	Dualist Approach 58		
		3.2	2 Pari	t-Time Workers' Disadvantage as a Form of Sex		
			Dis	crimination 61		
			3.2.	presides of fait-fille work as		
				Women's Work' 63		
			3.2.	What is Part-Time Work Worth? The Justification		
				Defence 66		
		3.3	The	Right to Work Part-Time? 69		
	4.	Pa	rt-Tim	e Work, Flexibility, and Labour Law:		
		The Statutory Regimes				
		4.1	Part-	-Time Work in UK Employment Policy:		75
			Con	patible Flexibilities? 75		
		4.2	The	Right to Equality in the Part-Time Workers Regulations	70	
			4.2.1	The Scope of Comparison: A Procedural Retreat 80	78	
			4.2.2	Justifying Discrimination: The Gateway to Flexibility?	05	
		4.3	Tem	poral Flexibility and the Right to Work Part-Time 87	85	
			4.3.1	Transfers to Part-Time Work in the Part-Time		
				Workers Regulations 89		
			4.3.2	The Right to 'Flexible Working' 90		
	5.	Co	nclusio	ons: Substantive Protection, Procedural		
		Cor	nstrair	its, and the Employer Prerogative		0.0
				and the Employer Freiogative		93
4.	Per	rman	encva	nd Protection. The Land 1 . I		
	Te	mnor	ary W/	nd Protection: The Incomplete Integration of		
	1			ork into United Kingdom Labour Law		101
	1.		oducti			101
	2.	The	Heter	ogeneity of Temporary Work		102
	3.	The	Exten	t and Disadvantage of Temporary Work		104
	4.	The	Tradit	ional Regulatory Approaches		
		4.1	Exclu	sion: Qualifying Periods, Continuity of Employment,	J	107
			and 'C	Contracting-Out' 107		
		4.2	The P	rotective Dimension Pre-New Labour 114		
		4.3	Temp	orary Contracts and Pregnant Workers 115		
	5.	Con	tempo	rary Approaches to Temporary Work	1	110
		5.1	Temp	orary Work in the Flexibility Agenda 120	J	119
		5.2	Exten	ding Universal Legislation 122		
			5.2.1	Qualifying Periods 123		
			5.2.2	Waivers 127		
		5.3	The In	definite Contract and Equal Treatment: The Fixed-Term		
			Emplo	eyees Regulations 128		
			5.3.1	An Overarching Limitation: Personal Scope 130		
			5.3.2	Asserting the Standard Model? The Right to		
				an Indefinite Contract 131		
			5.3.3	Equality for Temporary Workers: Procedural Restriction		
				and the 'Overall Package' Approach 135	S	

	6.	Conclusions: Evolving Policy and Legal Discourses on Temporary Work	138				
5.	Te	emporary Agency Work: Capturing the					
		ripartite Working Relationship	143				
	1.		143				
	2. 3.	and Conditions of Temporary Agency Work	144				
	5.	Employment Status, Allocation of Responsibilities, and					
		Specific Rights: Traditional Regulatory Approaches to Temporary Agency Work	146				
		3.1 Leaving Limbo? The Employment Status of	146				
		Temporary Agency Workers 147					
		3.2 Targeting the Client: Temporary Agency Workers and					
		the Discrimination Regimes 152 3.3 The Specific Rights Approach: A Limited Endeavour 154					
	4.	Temporary Agency Work under New Labour Temporary Agency Work under New Labour	156				
		4.1 Labour Market Flexibility and the Regulation of Temporary	1)0				
		Agency Work: The Policy Context 156					
		4.2 'The Worker' Model and Temporary Agency Workers 158 4.3 The Conduct of Employment Agencies and Employment					
		4.3 The Conduct of Employment Agencies and Employment Businesses Regulations 2003 160					
		4.3.1 'Employment Agencies' and 'Employment Businesses'	161				
		4.3.2 The Agency/Temporary Worker Agreement 162					
		4.3.3 Wage Protections 163					
		4.3.4 Fees 164					
		4.3.5 Protection from Hazardous Work 1644.3.6 Freedom of Movement 165					
	5.	Conclusions: Regulating for Flexibility in					
		Temporary Agency Work	168				
			100				
6.	Co	nclusions: Non-Standard Work, Labour Market Flexibility,					
	anc	Contemporary Labour Law—An Inchoate Reform	173				
	1.	Choice and Employability: Contemporary Flexibility					
	•	Discourses and the Regulation of Non-Standard Work	174				
	2.	Interpretive and Procedural Retreats from the Protection					
	3.	of Non-Standard Workers	178				
	٦.	A Cumulative Disadvantage: Fragmented Working Patterns and Labour Regulation	150				
	4.	Work/Family Reconciliation and Non-Standard Work	179				
		Two manufaction and Ivon-Standard Work	180				
Bibliography							
Index							