



Review of Consultation Responses

Employment Status and Rights for Agency Workers

March 2025

Introduction

In 2024 the Department for Enterprise conducted a number of consultations in relation to employment legislation. This consultation in particular sought views on employment status and the rights for agency workers.

This work continues the Department's commitment to bring forward a number of employment rights changes during the administration as detailed in Our Island Plan which sets out a vision of a secure, vibrant and sustainable island.

Overview of responses

- This consultation ran from 13 August to 29 November 2024.
- 27 responses were received via the online consultation hub.
 - 13 of these were received on behalf of organisations
- 2 responses were received offline from representative groups including the Isle of Man Chamber of Commerce representing around 100 individuals/organisations (IOMCOC).



Context

The legal rights enjoyed by a person flow from their employment status. This covers a spectrum of possibilities ranging from 'employees' who have the most rights to the genuinely self-employed who have the least rights. Between these two extremes there is an intermediate status, usually termed 'worker'; such persons enjoy certain core employment rights.

What are your views on creation of statutory definitions of 'employee' and 'worker'?

- 18 responses were provided on the consultation hub
- The majority of comments (12) were made in favour of creating statutory definitions, as were the comments made by the representative groups. Reasons for this included the following:
 - Definitions require modernisation
 - The proposal may address current issues and provide protection to potential vulnerable workers
 - The proposal may provide greater clarity for the relationship between employers and workers
- Those who made comments against the creation of statutory definitions included the following:
 - One respondent suggested that whilst they were in support of the proposal, this may push individuals to declaring themselves as self-employed to reduce business costs where there is a risk to increased expense to the public purse.
 - One respondent called for further consultation with relevant stakeholders due to the complex nature of the issue.



Do you have any views on what the definitions should be?

- Any definition should provide greater clarity and adaptability and should be understandable to all.
- The definition should include those who work relief or bank roles to ensure they have protections.
- The current definition of 'worker' is too broad and should be amended rather than the definition of 'employee'.

What are your views on creation of a single employment status of 'worker'?

- Responses showed dissatisfaction with the proposal. One of the representative organisations explicitly disagreed with the proposal also.
- Respondents queried who would benefit from the proposal, what rights would be afforded to this new status and what the impact would be on different groups such as gig economy workers?
- Two respondents disagreed as current agency worker arrangements allow for flexibility.
- It was suggested that this would simplify the current framework.
- General sentiment expressed that a single status may be over-simplifying the issue and may lead to unintended consequences. A number of respondents noted that this would likely impact the availability and use of more casual worker arrangements.



Do you think that the rights to time off for ante-natal care, attendance of ante-natal appointments with a partner and attendance at adoption appointments available to agency workers in the UK should be introduced on the Isle of Man?



Option	Total	Percent
Yes	14	51.85%
No	4	14.81%
Neither	5	18.52%
Not Answered	4	14.81%

Those comments made in support of the proposal listed equality as the primary reason for their answer. Both of the representative organisations also agreed with the proposal, with caveats to pay, responsibility of the agency and practicalities.

Those comments made against the proposal noted that it should fall on the agency to pay for lost time for the employer. One respondent who voted 'no' didn't seem to necessarily disagree with the proposal, rather the comment was made in relation to dissatisfaction with the idea of following UK legislation on the matter.

When responding 'Neither', one respondent noted that due to the nature of agency work, the individual might already have the required flexibility and that a statutory right introduction would lead to increased cost to businesses.

Next Steps

It is clear from the consultation responses that the nature of the issue is highly complex and making changes without careful consideration and further extensive consultation may lead to unintended consequences. At this time the Department will not progress any legislative changes during the remainder of the administration as the Department prioritises other issues such as the introduction of Carer's leave. The Department can assist in making these definitions clearer without the need for legislation, such as in publicly available guidance.

Similarly, the Department will not progress the proposals on creation of a single status of worker.

In regard to the right to time off for agency workers and partners to ante-natal appointments, the Department will undertake further work to determine how such a right would operate in practice and whether the right is required.





**Approach to assessing consultation responses*

It is important to note that not every respondent answers each question or provides additional comments.