



**BRAVE
NEW
WORK**

KEY ISSUES SERIES 2021

Navigating Precarity in Non-standard Work

Realities and Policy Recommendations

LAURA LAM



PUBLIC POLICY FORUM
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1400 - 130 Albert Street

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613.238.7858

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ABOUT THE AUTHOR

Laura Lam

Laura Lam is a PhD student at the Centre for Industrial Relations and Human Resources at the University of Toronto where she holds a SSHRC J.A. Bombardier Canada Graduate Scholarship. She is also a researcher at the Canada Excellence Research Chair (CERC) in Migration and Integration and her research interest is at the nexus of migration, precarious employment and gender, with a focus on the use of app-based digital labour platforms. She completed her Master of Arts in Immigration and Settlement Studies at Ryerson University.

Her current research looks at studying the effects of non-standard and precarious work in the Canadian labour market, with a focus on migrant populations. In addition, she has conducted and published research on venture capital funding's impact on societal wellbeing and collaborated with researchers on a qualitative ethnographic project on understanding employment trajectories of migrant women entrepreneurs.

EXECUTIVE SUMMARY

An estimated 30 percent of the Canadian workforce engages in non-standard employment in some form. Very simply, non-standard work can mean work you take on outside of your main form of employment. But it can also mean your main form of employment does not contain any formal, paid working arrangement. It occupies a space on the continuum of work that is referred to as part of the “messy middle.”

More than a year after the start of the COVID-19 pandemic, Canadians are more attuned to the lives of essential workers who have supported us during this time — from grocery workers we saluted as heroes to tireless food couriers delivering meals to our doors. Yet, we are likely less aware of another force that often confronts these workers every day — precarity and an inability to move out of this space if they wanted to.

This paper explores the current state of non-standard and precarious employment and antecedents that have rendered this a reality for many and a choice for some. This is a dialogue between intersecting policies that requires us to think beyond existing structures to envision a future where precarity does not have to be a reality. This paper explores policy considerations in three key areas:

- 1. Data: That is transparent, accessible and can lead to proactive policies.**
- 2. Benefits: That do not compromise security for flexibility.**
- 3. Alternatives: That are real and acceptable.**

Within these areas, several points of action are explored:

- Creating a comprehensive data collection and protection strategy;
- Collaborating with best practices and methodology on fair work metrics;
- Connecting portable benefits and incentivizing employer-led benefits;
- Critically examining the role of sectoral bargaining;
- Investing in skills-based assessments and recognition; and
- Opening the conversation on improvement of employment insurance and the potential of a targeted basic income.

The longevity of non-standard and precarious work does not necessarily have to be a place of stagnation or entrapment, rather, it can be imagined as a series of co-ordinated movements of workers coming in and then getting out. Policies must enable this movement and measures need to be put in place to allow an understanding of who ends up in this space, why they are there, and what is available to them to enable freedom of choice.

INTRODUCTION

“Gig companies promoted their flexible hours as an economic lifeline for workers. In the coronavirus outbreak, it has been anything but.” (New York Times, May 2020)¹

“Hailed as heroes at the start of the pandemic, now grocery workers feel largely forgotten.” (CBC, Feb 2021)²

“Freelancing is feast or famine. So, it kind of comes in waves... So I’m looking at what to do and how to make it work as a business” (Interview from NPR, Sept 2020)³

Precarious working arrangements can often come packaged as an interaction between seemingly opposing forces: flexibility or insecurity; essential or expendable; feast or famine. More recently, various forms of non-standard and precarious work have come repackaged under the moniker of technological innovation, but its true hue of precarity has been accentuated in the midst of the COVID-19 pandemic, underscoring precisely the conflicting, turbulent and messy nature of those who find themselves in this space.

So, we must ask: What is happening in our society that has rendered non-standard, oftentimes flexible, yet precarious work a common reality and a necessary transitory space for many?

In 1944, political economist Karl Polanyi described the phenomenon of the “double movement,” wherein the free market created a marketization of social and economic life in tandem. This movement, which benefited capitalists, also promoted the uprising of a countermovement from those who demanded protection from this market force.⁴

Perhaps this tension of movements has always been an undercurrent of our labour market and is not necessarily revolutionary in our thinking now, over 75 years later. This paper looks at movement in several ways. At a micro level, the pandemic has highlighted barriers for those who would like to leave precarious working conditions but find themselves having to choose between income and health and safety risk, while facing limited viable alternatives. At a macro level, we are witnessing migratory movement of workers who are leaving shuttered cities as work and wages have vanished.⁵ At this juncture, as the fabric of society and

the labour market have been upended by the pandemic, it is now more than ever a critical time to examine the various movements that have played an integral part in shaping the current landscape of our labour market.

Building on previous publications in the Public Policy Forum's three-year future of work initiative, [Brave New Work](#), this paper is centered at the nexus of precarity and non-standard work, with a deeper look at categories of "gig work" that fall in this category. This paper seeks to provide policy considerations for the post-pandemic future of the space where non-standard and precarious work is situated, part of what's referred to as the "messy middle." This space is blurry, abstract and often (but not always) transient in nature. It can provide good opportunities, but a prolonged period of time in the space might hinder mobility. There is no uniform solution (or even definition) for this space.

Three areas for policy consideration are highlighted as starting points for addressing the key question: How do we make work in this non-standard space less, and ultimately not at all, precarious?

1. **Transparent, accessible and proactive data:** Develop data collection processes that allow for capturing longitudinal, dynamic and region-specific changes in non-standard precarious work and create accessible supports to protect workers from the extraction of their data.
2. **Moving beyond the "either/or" mindset:** Re-imagine and re-direct incentives to introduce sustainable benefits that would be mutually beneficial for workers and employers while strengthening the role of unions to support workers.
3. **Pathways to real, acceptable alternatives:** Invest in opportunities to provide workers with real and acceptable alternatives to make informed, supported choices to move in or out of the non-standard, precarious space.

Setting the stage

There have been myriad definitions of non-standard and precarious work, and when throwing "gig work" into the mix, this area gets even more blurry. For the purposes of this paper, the following diagram illustrates the dimensions of where our focus lies:

NON-STANDARD WORK

Lacking any one form of the characteristics of standard work (Broschak & Davis-Blake, 2006)

Contract work (traditional employment relationship does not exist) (Duggan et al., 2020)

Doing anything in addition to main form of income; "informal paid activities" (Bank of Canada, 2019)

STANDARD WORK

Fixed schedule, Place of business, Employer's control, Continued employment (Kalleberg et al., 2000)

Traditional employment relationship exists (Duggan et al., 2020)

PRECARIOUS WORK

Employment Insecurity:
Contractual Relation Insecurity,
Contractual Temporariness,
Contractual Underemployment,
Multiple Jobs/Sectors

Income Inadequacy:
Income level

Lack of rights and protection:
Lack of unionization, Lack of social security, Lack of regulatory support, Lack of workplace rights

DECENT WORK

"Opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men" (ILO guidelines)

Sources:

Broschak & Davis-Blake, 2006 : Broschak, J. P., & Davis-Blake, A. (2006). Mixing standard work and nonstandard deals: The consequences of heterogeneity in employment arrangements. *Academy of Management Journal*, 49(2), 371-393.

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Instead of providing a static definition of a specific category or archetype of worker in non-standard and precarious work, the approach here is to encourage exploring these definitions not necessarily as distinct categories, but on a continuum. In addition, it must be stressed that these categories are not mutually exclusive. Not every non-standard worker is engaged in precarious work. For example, a contract-based management consultant might not be working for a company but takes on exclusive contracts, or a precarious worker may also have a full-time employer.⁶ The examples drawn upon to highlight work on this continuum are also connected with the prominence of gig work. Gig work is examined here as a form of non-standard work with emphasis on crowd work (work-mediating digital platforms, geographically dispersed) and digital labour platform app-work^a (service platforms that deploy workers on demand).⁷

^a Also commonly known as “platform work” or “on-demand work.”

TRANSPARENT, ACCESSIBLE AND PROACTIVE DATA



There is a need to monitor, at a longitudinal level, who is moving in and out of precarious, non-standard work, and who is being recruited to fill the demand

Recommendation 1: Develop rigorous data collection processes that allows for capturing longitudinal, dynamic and region-specific changes in non-standard precarious work

About one-third of Canada's population is engaged in some form of non-standard work,⁸ and we still need to understand precisely who are the people engaged in the work. While various forms of non-standard work have been studied,⁹ there are missing demographic metrics that still need to be captured by workforce surveys.¹⁰ The challenge in providing comprehensive policies to benefit non-standard, precarious workers is hindered when we do not have a clear picture of who they are and where they fall on the continuum. This is particularly applicable to app-based digital labour platforms. We need to explore how platforms have specific consequences for individual communities. There should not be a standardized formula to assess their impact; there must be accounting for changing demographics of those who populate cities (e.g., racialized individuals, migrants Indigenous populations, etc.) and policies that are region-specific (be it provincial or municipal) to target and address vulnerabilities experienced by those engaging with non-standard, precarious work.

The process needs to be more rigorous to encapsulate the diverse reasons as to why this work becomes attractive, building upon the current use of administrative data. There is speculation that we'll see an uptake in gig work,¹¹ especially after the pandemic, and this is an opportunity for government to get ahead of the trend, providing proactive options and benefits to those in this space. There is a need to monitor, at a longitudinal level, who is moving in and out of precarious, non-standard work, and who is being recruited to fill the demand. Some work might no longer be geographically-bounded and can be relocated digitally as we

have seen during the pandemic. This can create both opportunities and threats to the workforce, and without consistent and timely data, there is a danger that the most precarious of workers might find themselves pushed closer to the brink of the digital margins.¹²

Agencies such as the U.S. Bureau of Labor Statistics and Statistics Canada are trying to capture information on digital economy workers through new survey questions and an increase in frequency of survey data, and while this might be able to provide more holistic information, researchers have noted that estimates of gig work can be very sensitive to the phrasing of the particular survey instrument, making it difficult to compare across surveys.¹³ Another novel methodology in the United States explores gig work through direct deposit information paid to gig workers into a bank account, creating observable data points that allow researchers to measure the transactional aspects of gig work.¹⁴ Tangentially, the owners of digital labour platforms themselves control and manipulate data that has contributed to a soaring power imbalance among workers. If digital labour platforms are eager to prove they have a positive impact in the communities they operate, there should be a greater exploration of ways in which our government can collaborate with them to create better policies using their data. Government has the opportunity to work alongside these employers and platforms to negotiate sharing and accessibility to data as part of their operational mandate, which ultimately can help better protect workers.

However, these are only piecemeal methods of collecting data. There is need for a comprehensive data collection and protection strategy that does not allow policies to simply react. Along with the longitudinal data needed to truly understand the duration a worker spends in non-standard and precarious employment, survey data has also lacked in collecting information on job quality and attitudes and opinions about current working situations.¹⁵ Adopting a more community-focused approach can also allow for a slower, tailored approach in the introduction of new employers (such as new platform entrants) that have previously disrupted other existing entities.¹⁶ In other words, there is a dearth of data that provides a fuller picture of the reasons why a worker might find themselves in this non-standard and precarious space, and a rigorous, well-rounded data strategy can help prevent workers who are directly or indirectly impacted from slipping through the cracks.

Recommendation 2: Create accessible supports to ensure workers' digital rights and data access are protected, through adopting fair work measurements that are transparent and visible to workers.

Under the umbrella of “gig work” is work mediated by app-based digital labour platforms that often use the manipulation of information to create a power imbalance between workers and the platforms that employ them. Particularly during the pandemic, the opaque nature of how information is gathered, used and distributed by platforms to workers has been highly concerning, with workers often left in the dark as to how their data is used to determine aspects of their pay.¹⁷ Beyond just digital labour platforms, researchers have

remarked that these practices of algorithmic management, hinging upon information asymmetry (the unequal distribution of information between workers and platforms), are visible across the socioeconomic spectrum.¹⁸ Government needs to look at how workers themselves can be empowered to retain their data to negate the power imbalance. Resources and attention must be focused on how other forms of non-standard employment might contribute to the increased precarity of workers left to the control and disposal of algorithms.¹⁹

The Fairwork Foundation, based at the University of Oxford, evaluates digital labour platforms and provides a score out of 10 based [on their principles](#).²⁰ The foundation's work is currently based on country-specific analysis, and there are opportunities to explore how its tested methodology can be adapted in the Canadian context. Platforms in each country are assessed and ranked, and companies are consulted and areas needing improvement are communicated. Delving deeper, Canada can engage at a city level to evaluate whether the facilitation of work performed by platforms has adopted the principles of fair work based on the specific characteristics of the city. It is possible to imagine a future where new platform entrants are permitted entry only upon meeting a minimum threshold of working conditions constituting fair work, thus reducing the choice between flexibility, security and stability that many platform workers have to face. Already, non-profit organizations such as [RideFairTO](#) are targeting ride-hailing conditions to advocate for fair rules for drivers. Taking regional approaches to provide transparent, comprehensible and accessible information to workers before they choose to enter into potentially entrapping precarious work can also be a form of collective action on which workers and policymakers can collaborate. A strong data collection and protection strategy can provide timely and realistic information on what is known about the reality of non-standard employment, such as employment standards, risks, responsibilities, data usage, tax and financial implications and more. Independent non-profits such as the [Workers Info Exchange](#) focus on helping workers gain insight into data collected by private tech companies and fighting to claim back workers' agency through building a data trust for workers.²¹ Policymakers designing the future of digital labour rights and protection for workers can benefit from collaborating and consulting with such groups to ensure workers' digital rights are protected.

MOVING BEYOND THE “EITHER/OR” MINDSET



Scholars of precarious employment have commented that “labour law reform in Canada has been posed in stark ‘either/or’ terms, contrasting equity with efficiency or opposing regulation and rigidity to deregulation and flexibility

Recommendation 3: Re-imagine and re-direct incentives to introduce sustainable benefits that would be mutually beneficial for workers and employers while strengthening the role of union organizations.

Scholars of precarious employment have commented that “labour law reform in Canada has been posed in stark ‘either/or’ terms, contrasting equity with efficiency or opposing regulation and rigidity to deregulation and flexibility.”²² This mindset has fundamentally affected how association with non-standard and precarious work immediately conjures up a setting with no health-care benefits, no access to sick days and no retirement benefits, to name a few. But what if that does not have to be our reality?

We have an opportunity with the 2021 federal budget, which has stressed and reiterated the government’s commitment to making legislative changes to improve labour protection for non-standard, gig workers. That does not only include those who fall within digital labour platforms, but those engaged in contracting, subcontracting, temporary work and other forms of non-standard work arrangements.²³ While consultations are underway and there is dedicated funding to invest in targeted consultations for self-employed and gig workers, the burden of responsibility must not fall solely to governmental benefits. We have to ask whether the movement of capital — from big tech companies to small and medium-sized enterprises — are doing their part. Proposed plans such as Uber’s [work with employers](#) and provincial regulators to provide “both/and” opportunities.can work with employers and provincial regulators to provide “both/and” opportunities.can work with employers and provincial regulators to provide “both/and” opportunities.can work with employers and provincial regulators to provide “both/and” opportunities.

A PPF case study by Catherine Anas has highlighted the option of portable benefits, other sectors and organizations have found creative ways to introduce benefits to workers, while engaging and incentivizing employers to take action. An example is the Ontario Nonprofit Network and its recent introduction of a sector-wide program where non-profit employers pay premiums into a financial fund and as their employees take maternity and/or parental leave, workers get a top-up as a percentage of their earnings.²⁴ Looking to other innovations globally, Latin America has seen an influx of digital labour platform workers that coincides with the recent rise of migratory movement in the region. Social entrepreneurship developments in the area have brought in [organizations that are providing benefits](#) (such as legal and accounting consultations, health insurance, access to work tools such as bikes and electric motorcycles and other work benefits) to precariously employed gig workers.²⁵ Such programs also directly liaise with digital platform companies in the region that — under existing legal frameworks — are not required to provide benefits or supports to workers. These programs can serve as bridging and resources for those who find themselves transitioning in and out of platform work. However, there are dangers to shifting to citizen groups the burden of providing benefits that can ensure a sustainable livelihood to those precariously employed. The work of such social enterprises is not a panacea for removing responsibility from businesses engaging in blatant exploitation.

Another policy consideration making its way to the forefront is the possibility of sectoral collective bargaining. This model has been introduced in countries such as New Zealand, Germany and Sweden, moving bargaining to the industry level, and advocates have argued for this form of collective bargaining especially for some low-wage sectors.²⁶ But here, too, we must be cautious. In the United States, the sectoral model proposed for gig workers has attracted much controversy, with opponents arguing its bargaining mechanism exists outside of any union relationship and, in reality, stops workers from building power.²⁷ It is imperative that any proposals issued by corporations under the guise of benefitting workers are closely scrutinized, as we have seen that they often come embedded with a hidden agenda to undermine workers' rights and bargain down their labour rights..

PATHWAYS TO REAL, ACCEPTABLE ALTERNATIVES

Recommendation 4: Empower greater recognition of task orientation metrics versus traditional job indicators for employers and move towards provincial adoption.

The growth of non-standard precarious working environments does not happen in isolation. Researchers have explored the connection that the move toward flexible work affects particularly disadvantaged racialized groups (and especially women).²⁸ With app-based digital labour platforms specifically, it has been noted that this form of labour is rooted in historical class, race and gender inequalities.²⁹ Therefore, in order to address how policies can concretely impact the lives of individuals who find themselves in non-standard, precarious work, we must also address intersecting policy regimes and infrastructure that push many into this space. While there are many intersections of policies that need to be considered, two key policy regimes have the potential to drastically impact workers who find themselves stuck in the non-standard, precarious middle:

Migration policy: As we move toward a post-pandemic period, immigration has once again come into focus. Immigration, Refugees and Citizenship Canada has announced plans to increase immigration pathways, such as inviting current residents to apply for citizenship. The composition of migrants in Canada is also expected to change, with the COVID-19 cohort of immigrants (those who arrived or settled in Canada during the pandemic) most likely having Canadian work experience or education.³⁰ While these are promising developments for migrants settled or in the process of settling in Canada, the structural barriers of underemployment, foreign-credential recognition and emphasis on the “Canadian experience” have often proved to be insurmountable barriers to gainful employment for newcomers. In fact, Canada faces huge migrant overqualification in jobs with high job-skill mismatch,³¹ and it has been found that non-standard jobs provide a point of entry for many new immigrants into the Canadian labour market.³² Research on the decision-making factors of why migrants choose to engage in platform work shows they often find they have no other option due to Canada’s challenging labour market structure and platform work simply becomes the best alternative.³³ Without addressing these systemic causes in how we work with newcomers in their economic integration process, the symptoms of precarity cannot ever be fully resolved.

Women-focused recovery: The disproportionate impact of the pandemic on women has been well-documented.³⁴ Advocates have pushed for the “she-covetry” of the economy, and the promotion of more flexible workplaces that should come at the initiative of employers,³⁵ but that can also unintentionally penalize women’s careers if not regulated and instituted with the support of inclusive and family-friendly policies. Researchers studying one such platform, Upwork, found a difference in requested hourly wages between women and men (women’s hourly rates were 74 percent of the median men’s rate), but despite this

gap, when taking the number of hours worked into account, total earnings between genders were almost equal, meaning women worked more hours and their low rate attracted employers on the platforms.³⁶ This example highlights how even the promotion of flexible work can still reproduce inequality for women.

The example of qualified health-care professionals from outside Canada who were unable to contribute to Canada's health-care system during the peak of the pandemic³⁷ is a result of our labour market's continued emphasis on credential recognition and experience-based criteria, which are often prioritized over skills and abilities.³⁸ Specifically tailored to migrants, organizations such as the Immigrant Employment Council of British Columbia have introduced [skills-based assessments](#) that are available to newcomers in various industries — the focus becomes what you are able to do versus what your resume says.³⁹ But more than just introducing it for newcomers to Canada, there needs to be a more concerted effort to educate and inform employers and business associations, and for local governments to acknowledge such skilled individuals coming into Canada.

Beyond simply being a tool to determine the talent of newcomers, programs that focus on skills can provide options for those in non-standard employment to successfully transition into new roles. Skill measurement tools can be integrated with other employment agencies that might be working with populations such as youth and Indigenous Peoples to develop knowledge of which skills are necessary to improve transition into other desired roles. With the federal government's proposed budget of \$298 million to invest in the Skills for Success program to help Canadians improve their skills,⁴⁰ labour policies can adapt to direct funds to enable the ease of access to transfer skills, so that workers do not have to stay in a job with little to no room for mobility and give up opportunities to invest in education and skills training.

Recommendation 5: Moving beyond non-standard, precarious work as the “best alternative”

During the pandemic, research emerged showing a double liability that low-wage workers experienced: while many lost their jobs at the start of the pandemic, others worked more hours that were disproportionate to those in higher-wage roles.⁴¹ The implication of this finding feeds into the conversation of who bears the risk while employed in precarious employment, and not just non-standard work, but even for those who work with a consistent employer. The pandemic revealed that for low-wage workers, choosing their preferred comfort level of exposure is often not a real choice when having to decide between economic livelihood and health risks.

As conversations and major revamps of our Employment Insurance (EI) take place to improve upon the social architecture and support structures in Canada during the pandemic's recovery stages (see past PPF papers



By providing alternatives that can allow for workers to pause and reflect on their alternatives, we can ensure this space does not become a trap.

such as [The Future is Now: Creating Decent Work Post-Pandemic](#)), a targeted basic income approach (which is different than a universal basic income) might provide a better basis for workers to make an informed choice to work.⁴² This option is specifically targeted at low-wage workers, providing a buttress and alternative income source during times when choices are limited. A study done in British Columbia explored how targeted basic income mixed with basic services (such as extended health supplements to all low-income individuals) can provide space for supportive, mutually beneficial communities.⁴³

Ultimately, we need to look at ways in which workers in non-standard, precarious situations can leave, if they want to. By providing alternatives that can allow for workers to pause and reflect on their alternatives, we can ensure this space does not become a trap. There are other creative means that can be explored as we look at how our EI system can be transformed, such as a proposal to initiate special benefits through individual accounts (specific to demographic and family risks) that might function the same way as programs like Old Age Security and the Guaranteed Income Supplement.⁴⁴ With such a program, we could envision a reality where those who choose non-standard, precarious work (like platform work), could rely on the special benefits to explore realistic and dignified alternatives if and when they want to.



CONCLUSION

A fundamental question about this space in the “messy middle” that is often riddled with precarity is: Who bears the risk? Arguably, the answer is an easy one: Workers do. The quest to recalibrate this unequal burden of risk is part of the struggles of activists, unions and workers alike. There is increasing uncertainty as to what the post-pandemic workforce will look like; the question we should strive to answer is not solely how does one end up in this space but, rather, how do we enable and empower workers to make informed choices whether to enter or leave this space. Depending on one’s journey within the messy middle, this non-standard and precarious space might coexist with both threats and opportunities, risks and benefits and dynamic movement. Those who tout the lifestyle of escaping the strains of a standard job as a freeing and rewarding experience might not be wrong, but it is crucial to examine who is able to do so, and what privilege they come with. Those who might see themselves as “digital nomads” and others as “platform workers” are drastically different, and there must be clear distinction in addressing precarity in these spaces. If this space is meant to be truly transitory, do our federal and provincial regulations, employment standards and employer responsibilities allow for transitions to happen? Or are we inadvertently making this space compulsory by necessity, wherein these decisions are involuntary not because there is no other choice, but because there is no real and acceptable alternative?⁴⁵

A conversation about risk needs to be accompanied by another addressing responsibility. Perhaps one area of responsibility for which policymakers can advocate is ensuring there are real and acceptable alternatives available for those who seek them, and ensuring employers who exploit workers are held responsible. While we are seeing various global movements fighting an important battle against the misclassification of independent contractors, we must be aware that this is not necessarily the cure for precarity, rather it is addressing a part of the problem. In fact, addressing one symptom of precarity might simply lead to a shift in

other areas; oftentimes our employment enforcement standards are not keeping up to speed with the working conditions that fuel precarity.⁴⁶

Going back to Polanyi's double movement between marketization and countermovement, while these parallel movements may be inevitable, the conversation should build upon how the two movements can remain on equal footing or, even better, for Canada's employment standards to proactively protect workers instead of being reactionary. Investment in skills recognition, portable benefits and transparency in data and measurements are practical ways we can start allowing workers to make choices. Zooming out to the bigger picture, we need to remain vigilant and understand who gets in, who comes out and who stays in this precarious space within the messy middle.

ENDNOTES

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