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A NIGHTWORKSHOP INITIATIVE



NIGHTWORKER CHARTER

FOR THE INVISIBLE WORKERS IN NIGHTSHIFT CITIES

2022



NIGHTWORKER CHARTER

SPECIAL ARRANGEMENTS FOR THE INVISIBLE WORKERS IN NIGHTSHIFT CITIES ACROSS THE EUROPEAN UNION AND THE UNITED KINGDOM

The world of nightwork is in urgent need of transformation.

Yet, you can't transform anything until you find out what needs to be repaired and renewed.

No deep transformation happens without reparation.

The COVID-19 pandemic has shown how across the European Union (EU) and in the United Kingdom (UK), despite their strategic roles in the functioning of national economies, nightworkers have been excluded from political agendas and public debates about who is (or not) an 'essential' or 'key' worker. Nightworkers deserve a better social contract – better food, sleep, remuneration, transport, and rest places when they toil at night.

There is a pressing demand for a new set of arrangements that address the problems specific to nightwork. That is why you should take interest and assist this open, democratic process to improve the lives of nightworkers. Let's repair together a broken labour system that causes suffering for millions of nightworkers and their families and friends.

This Nightworker Charter's role offers fresh and concrete ways (how) to recognise, (what) to address, and (who could and should) repair the problems with nightwork. Join many others and become one of the signatories by supporting the Nightworker Charter.

WHAT IS THE NIGHTWORKER CHARTER?

The Nightworker Charter seeks to improve the working conditions of nightworkers. The Nightworker Charter gives nightworkers the voice and tools to gain recognition for their many contributions to national economies.

WHAT DOES THE NIGHTWORKER CHARTER DO?

The Nightworker Charter offers practical solutions to improve nightworkers' working conditions on the basis that all relevant stakeholders:

(1) Recognise the problems specific to nightwork
(2) Address the multi-layered precarity associated with nightwork
(3) Make nightwork a stand-alone form of work in legal terms

WHY IS THE NIGHTWORKER CHARTER RELEVANT NOW?

Nightworkers play a crucial role in supporting nighttime economies (NTE), day workers, and national economies throughout Europe. Yet today we all face a health crisis. This Nightworker Charter represents solidarity with nightshift workers, be they the frontline or even the 'non-essential' workers who have helped us get through this awful period. The Nightworker Charter begins a reparation process that defends nightworkers' rights embedded within current constitutional arrangements but are hardly ever implemented.

HOW DID THE NIGHTWORKER CHARTER COME ABOUT?

For the past decade, I have reached out to the many people who inhabit the night. I do this in my various capacities: as a night ethnographer, migration scholar, outreach worker, and collaborator with NGOs that work with vulnerable groups. I do this because I care about the vulnerable migrants and locals doing hidden, yet essential labour – and that's why I think you should help.

The ideas behind this Nightworker Charter have developed through my conversations with individuals and organisations who also care about those working the invisible nightshift. The Nightworker Charter remains open to collaboration with individuals and organisations pledging to improve conditions for those who work nights.

HOW CAN YOU GET INVOLVED?

Individuals and organisations are invited to sign this charter and invite others to do the same. Recommend the charter to unions, labour organisations, employers, local and regional councillors, and health and safety organisations.

In solidarity with nightshift workers,

Julius-Cezar MacQuarie c/o Nightworker Charter
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MILLIONS OF WORKERS DO THE NIGHTSHIFT — MANY OF THEM MIGRANTS. WHILE SOCIETY SLEEPS WHO MUST REMAIN ALERT? — NIGHT-WORKERS!

NIGHTWORKERS ARE THE LIFELINE OF NATIONAL AND NIGHTTIME ECONOMIES, AND MORE SO, IN DEVELOPED COUNTRIES.

CASE STUDIES

PHIL | FIRE FIGHTER

For over three decades, Phil has been a first responder with the London Fire Brigade, of which nightshifts were a regular part. He says that:

People dial 999, and then... Bosch, I turn up. I am not exclusively a night worker. I also work dayshifts every week. So, I chop and change between days and nights, and different rhythms. I often feel like being shift-lagged all the time. And it doesn't get any easier the older you get. I should explain, I work 4-on, 4-off. So, it's 2 days, 2 nights and then 4 nights off. So, it's like an eight-day cycle, but on the first day off, we still practically work from midnight till 9:30 in the morning. So, it's not really a day off, it's really, like a lot of people prefer, 5 days on, 3 off [...] And my rhythm is as such that when I finished my last nightshift, I stay awake for the whole day so that I can go to bed on my first night off. In this rhythm, you tune out. You feel kind of irritable. If it's the middle of January or February in this country the weather can be quite bleak. I don't know if it's the tiredness, weather or ... this jetlag feeling. But, it's my job. It is what I'm paid for. For the last 32 years I haven't known anything else. When you're working shifts, your job becomes more like your lifestyle. Most times you're not around when people are awake and vice versa.

JOHN | BUS DRIVER

John has worked on a double decker since the economic downturn in 2008. He has been working throughout the pandemic, on day and late evening shifts into the night. As a driver, he says,

The way we used to work has changed since the pandemic. I am locked in the whole 8–12–hour shift in that cage. My box, where I sit to drive, must be shut all the time. I cannot breathe! Many people died. So, it's very frightening! It feels like being imprisoned while I work to serve the public. It has been hard for me to work during the pandemic because I knew, if I don't work, I won't get money for my mortgage, for my family. That's another kind of fear. Not having money to support your family pushes you out of the door, pandemic or not. And for one reason or another, during the pandemic migrants were the ones working, doing essential work to keep London moving. Overall, us, migrants are not appreciated for the work we do. We are the minority that works hard for the majority. I think that we're not really appreciated for the work that we do for the powerhouse of England. I feel that the government has let us down.

Alexa and Sara, Phil or John, they all continued working though the pandemic or as soon as it was safe to return to work after the lockdowns.

Whether in London or Romania, pandemic has affected everyone to different degrees or areas of their work.

ALEXA & SARA | UBER & BOLT DRIVERS

By April 2020, Alexa's work situation had changed drastically, while locked down in London. She explains how:

I stopped working since the COVID–19 situation and I have lots of bills to pay. I took a three–month reprieve on my car loan, but the rent still needs paying. It's been really tough!

The last time we spoke in 2021, she told me that she is again driving her taxi at night, only that now she works for more than one digital platform to make ends meet.

Sara another Romanian woman platform driver, this time working in Romania, giggles at first, and then explains how she deals with the call of nature:

It's a bit tricky. When I need the toilet… I ask the client, are you in a rush? If they say, yes, then I go on and wait till I finish the ride. If they say no, then I say that I really need to stop for toilet. Most say that it's OK. I used to stop for example, at a local supermarket, but I can't anymore. They won't let us now unless we show the COVID certificate. But I didn't do the vaccine. So, I stop at petrol stations, sometimes on the way to the customer's destination. I can stop to use their loos, for the time being.

In chronic or crisis times, bus drivers, outreach workers and especially gig or platform workers all need rest stops, warm food in the night and spaces to socialize informally.

A 2021 report (Autonomy, p. 57) explains that

'democratisation of nighttime work' will change the future of work for the better.

NIGHTWORKER CHARTER: JUST ANOTHER STEP



BACKGROUND

FOR the past decade, I, JULIUS-CEZAR MACQUARIE, I have reached out to the many people who inhabit the night.

I DO this in my various capacities, as a night ethnographer, migration scholar, outreach worker and collaborator wi th NGOs that work with vulnerable groups.



PHD PROJECT

THIS Nightworker Charter has grown from my doctoral research project on nightworkers in London, completed at the Department of Sociology and Social Anthropology, Central European University (CEU).

I FOLLOW in the footsteps of those before me, to call attention to the vulnerability of fe/males migrants and locals doing hidden, yet precaious labour.

MARIE SKLODOWSKA-CURIE ACTION

THE PROJECT was coordinated by the Centre for Policy Studies, CEU, one of eight institutions partnering under the umbrella of INTEGRIM[1].

This project met in parallel, the requirements set out in the European Union 7th Framework Programme, funded under Grant Agreement n. 316796, Marie Skłodowska-Curie Actions.

THE IDEAS behind this Nightworker Charter have also developed through my conversations with individuals and organisations.



INSPIRED by the Werker Collection 's Bilderkritik project, 365 Days of Invisible Work and inspired by Silvia Federrici's campainging on rights of domestic workers, this is JUST ANOTHER STEP to taken to disrupt the 24/7 rhythms of WORK THAT BREAKS US.

THE NIGHTWORKER CHARTER remains open to collaboration with individuals and organisations pledging to improve night working conditions.



1 INTEGRIM is the acronym for Integration and international migration: Pathways and integration policies. INTEGRIM was initiated in 2013 as part of Marie Skłodowska-Curie Actions research training programme in integration and international migration. Between 2013-2016, 23 early-stage researchers joined and completed their Initial Training Network Program as the one above. More details on this network can be found here.

BACKGROUND

THE PROBLEMS WITH NIGHTWORK TODAY

International Labour Organisation (ILO) 1990 Convention on nightwork offers non-binding guidelines (ILO), whereby 'nightwork overtime should be avoided as far as possible' (IARC 2020, p. 64).

24-HOURS PER DAY

Millions of workers do the nightshift – many of them migrants. While society sleeps who must remain alert? Nightworkers! While others sleep, nightworkers are awake and alert on production lines, in food processing and packing warehouses; loading fruit and vegetables; driving buses, trains and subways; working all night, they repair roads; carry for the sick, clean streets and manage waste, stock the shelves and answer emergency calls. Nightworkers keep the world running round-the-clock (24-hours per day, 7 days per week). Today, in this pandemic time, they keep life going while entire nations still experience unpleasant effects of social distancing measures.

7 DAYS PER WEEK

According to the Directive 2003/88/EC, nightworkers are (a) employees who normally work 3 hours of their daily working time during nighttime, at least once a month; (b) employees whose working hours during nighttime, in each year, equal or exceed 50 per cent of the total number of hours worked during the year. This directive is applied across the 27 member states in the EU, with country differences in the prevalence of nightshifts. In the UK, nightshifts must include the period between midnight and 05:00, and not less than seven hours . While these regulations exist, they vary from one country to another and are sector dependent.

CALL FOR ACTION

This Nightworker Charter calls for real action to reduce disparities between legislation and guidelines, and situation on the ground. Governments need to implement tougher regulations consistent "with a focus on limiting features of schedules such as the maximum number of work hours per shift, the amount of rest time after shift work, and minimum break times" (IARC 2020, p. 62). The relevant stakeholders should consider research, which shows that in practice regulations aimed at protecting nightworkers are not applied because, where possible, employers do not follow the laws ad literam and benefit from extracting labour power from the expendable workers. Their bodies are left spend and exhausted by nightwork (unpaid) overtime, layered precarity. Also, the workers lack options to exit nightwork (Sharma 2013, 2014; Macarie 2017; MacQuarie 2020).

Nightworkers are the lifeline of national and nighttime economies, and more so, in developed countries. We need a special charter to recognise their precious contribution and protect them 365 nights a year from the specific struggles that they encounter while on nightshifts. Recognition of their crucial role is long overdue. Reparation is possible if the following key issues will be considered, and the proposals supported for ratification that turn them from incentives into rights.

1. Recognise the problems specific to nightwork

KEY ISSUES:

First and foremost, nightworkers experience a tremendous negative impact on their health, whereby nightshift work increases the potential risks of cancer. As defined by the IARC (2020, p. 359), nightwork "involves work, including transmeridian travel, that occurs during the regular sleeping hours of the general population. This alters exposure to the natural light–dark schedule and disrupts circadian rhythms." These alterations disrupt how one sleeps, eats, behaves; impact negatively on the body's temperature, and one's nervous system, creating effects associated with carcinogen characteristics (IARC, 2020, p. 46).

Night eating patterns are unhealthy and the eating behaviours of those working at night are changed according to the limited availability: unhealthy snacks and fast foods.

Because nightworkers live on the opposite rhythms to the mainstream society, this makes them feel invisible to friends; often they are unavailable for family dues and absent from the minds that make day organisations tackle problems in daytime work. Isolation manifests as lack of socialising with friends during daytime and evenings (when night workers sleep and rest). It makes nightworkers feel excluded.

Nightworkers suffer physical, emotional, and psychological duress for being alert at night when the biological rhythms dictate that humans sleep and rest ; but there is no statutory pay rate classed as 'higher night rate'. In practice, nightworkers do very long nightshifts, in some workplaces up to sixteen hours, six nights per week (MacQuarie 2019, 2020; Autonomy, 2021); no specific regulation protects night workers, except if specific risk assessments indicate 'special hazards or mental and physical strain'.

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PROPOSALS:

Pay all nightworkers, be they migrants or locals, females and males equal rates and higher than minimum national daytime wages (EU) and 'night time Living Wages' (UK), the latter also recommended by Autonomy (2021) – see specific recommendations for migrants or women (or both) under (2) Repair theme in this Charter.

Reach a collective agreement through gender equal regulation, which lays down the conditions under which nighttime employment for manual, low-paid nightworkers with care responsibilities guarantee equal rights for equal work. The design/negotiation of this agreement should be done in consultation of workers, especially women and migrants who tend to be under-represented.

In practice, this should allow the following:

- make nightwork voluntary; consent must be given by nightworkers; those involved must be protected against dismissal upon refusal to work nights;
- employees have the right to move to day shifts if they care for a close relative, a child under 12, or on ill-health basis;
- the right to time for education and retraining in the day;
- regular medical check-ups
- specific amendments: paid breaks, support for childcare facilities, ensured commuting transport to/from workplace; provision of hot food and eating places.

Create nighttime teams and mobile units to monitor employers at night and enforce legislation where abusive practices, coercion and exploitation are found; these practices should be carried out independently from the Immigration forces, acting under the rule of the Home Office (in the UK) who target immigrants

Pay proportionate daytime 'rest hours' in lieu of nightshift hours, i.e., 1 paid day to rest for each 4 extra hours spent on a nightshift longer than 8 hours.

Make temporary workers' nightshift hours count towards pension

2. Address the multi-layered precarity associated with nightwork

KEY ISSUES WITH SPECIAL FOCUS ON MIGRANTS AND WOMEN:

Nightworkers remain largely invisible to mainstream society, which does not care about the low-wagers who sweep the streets or manage the waste, occupations which otherwise are heavily dependent on migrants working the nightshift, as revealed during the pandemic (Fernández-Reino et al, 2020).

Migrant nightworkers in low-wage occupations support the functioning of the key urban infrastructures (Fernández-Reino et al, 2020); yet, there are no conclusive figures on how many migrants work the night shift.

Women migrant nightworkers are further invisibilised, for the nightwork environments are usually male dominated. Nightwork, therefore, becomes a highly dangerous space for women – being hidden and thus more prone to being implicated in highly precarious work experiences (Lewis et al 2015; Standing 2011), with some ending in forced labour (Anderson and Rogaly 2005). The literature on forced labour omits from its empirical analyses this multi-layered aspect of precarity (ILO 2017; FRA 2015). For an exception see Lewis et al (2015), challenging the free/forced dichotomy in the literature on migrant work precariousness, and Boufkhed, S. (2020, p. 243) suggesting that "precariousness is on a continuum that may lead to forced labour."

Not all migrants wish to retire in the country where they contribute to, but they lose their pension contributions when they return to their country of origin.

PROPOSALS ON: REPORTING MECHANISMS, DECENT WORK PROMOTION, AND GENDER AND MIGRATION INCLUSIVITY

All nightworkers should have access to transparent mechanisms to report employers who impose exploitative and precarious working conditions on nightworkers

Management policies need to be written in non-jargon, clear and concise language for less educated migrant nightworkers to understand what they can expect from their employer, their rights, and responsibilities. The management practices need to ensure fairness and equality among all workers, especially among fe/males on low wages.

Allow women specific channels of communication to signal problems and processes and ensure that women can appeal lower pay rates, and undignifying behaviour from men in the workplace. At night, women are more vulnerable from being abused or attacked by men. For that reasons, work regulators and nighttime governors, specifically, should hire all female guards to protect women, and implement tools designed to increase women's safety at night.

Empower women through levelling up – addressing the imbalance of power in the workplace

Facilitate bridge-talks between nightworkers, EU/UK unionists, policy makers, researchers and work regulators and enforcers, and migrant organisations to eliminate the hidden barriers, such as the intersecting issues between working at night, being on precarious work contracts, a migrant, a woman, with language barriers and lack of skills to navigate the work culture in a foreign country. Produce leaflets on these intersecting issues in multiple languages

Collaborative efforts to deliver commensurate responses and actions to tackle the inclusion of overrepresented foreign-born nightworkers will ensure a fair and decent nightwork environment.

Stakeholders should adhere to the UN2030 Sustainable Development Goal (SDG) №8 on Decent Work and Economic Growth for all.

3. Make nightwork a stand-alone form of work in legal terms

KEY ISSUES:

In many European countries, as well as in the UK, the 'nightshift' is considered a part of 'dayshift' rota system, and not a standalone form of work. How can we, however, begin levelling up by empowering nightworkers, when most problems of nightwork are overshadowed by the concerns with daytime labour? and when focusing on the needs of the mainstream society causes blindness at the unresolved issues of invisibility that makes night workers feel exclude and isolated.

PROPOSALS:

Make nightwork a stand-alone form of work.

The added value for nightworkers, if separating nightwork out of traditional daytime structure, would then be reflected in the clarity with which policy makers would address the specificity of nightshift work, for example through increasing pay rates regardless of employment categories or types of contracts.

The democratic process of involving nightworkers in dialogue with all stakeholders (e.g., governments, labour organisation, employers, site managing authorities) would speed-up the decision-making process on the vital role of nightworkers in supporting national economies and daytime workers, and thus put in place infrastructures that promote and protect nightworkers' needs over interests to accumulate capital.



WHAT CAN UNIONS DO ABOUT IT?

The Night Charter urges to begin the reparation process today, and calls for the Trade Unions to support it. Key stakeholders at the helm of the EU and the UK will listen harder to Unions, and other stakeholders, and agree to implement a special framework that promotes nightworkers' rights to decent work embedded within the constitutional arrangements.

As one of the main, relevant stakeholders, Trade Unions could and should operationalise the charter through:

Consultations with nightworkers that would benefit the decision-making processes.

Efficient communication channels would be raising awareness to tackle precarious working conditions and abuse against nightworkers, prioritising migrants and women who are underrepresented in these debates.

Create efficient reporting mechanisms supported by unions and organisations that train nightworkers in how to report and combat abuse in the workplace.

Introduce restorative justice practices whereby abusive employers offer open apologies and remuneration for financial losses and/or physical and mental ill-health resulting from precarious working conditions.

Support workers with limited skills to navigate the work culture and language barriers with specific training that removes such barriers and promote career development.

Specify and replace work roles assigned to late evenings and increase pay with premiums for workers with care duties doing nightshifts.

Encourage women to progress in the workplace hierarchies of all sectors that involve nightwork. Review the equality and diversity of the teams and the infrastructure of personnel to allow women and migrant nightworkers to access better paid jobs across all sectors part of the Night-time Economy.

Besides Trade Unions, this Charter invites all relevant actors to engage. For example: NGOs, Local Authorities, Greater London Authority (UK), Corporation of London, Nighttime Commission, Night-Time Industries Association (NTIA), EU Fundamental Rights Agency, EuroFound, and migrant organisations defending and organising workers to demand their rights to decent working conditions.

LET US TALK ABOUT THIS: FINAL REMARKS

Over 1 in 9 men and women work the 'graveyard shift' in the UK alone , millions more do the job in Europe. Yet the work itself, rough working conditions, low pay, and limited rights of nightworkers are virtually invisible to the public, policymakers, politicians, and journalists (Macarie 2017). Hence, the doors to furthering the (race, gender, pay) inequality gap that characterises nightwork are wide open, as found in a 2021 report that advances 'strategies to democratise night-time economy' (Autonomy, p. 9).

As the pandemic forges ahead, the 'catastrophic, crisis-laden, and sublime' moments can overshadow 'the ordinary, chronic, and cruddy' (Povinelli 2011: 13). Thus, in certain production areas, low-waged occupations have now been re-categorised as 'essential' and migrants have been bestowed upon 'key roles' in the economic and social spheres in society (Alcorn 2020, Fernandez et al 2020). Yet, after several post-lockdown phases in Europe and the rest of the world, the limits of this discursive turn are reflected in that, migrant or local, nightworkers experience urban vulnerabilities through lack of access to nighttime work spaces. Nonetheless, the claims of re-valuation, have shown how this health crisis has served to draw closer, two previously distant conceptual categories: migrant and valued worker. So, what lessons can we take forward to continue this process of recognition and repair, and what kind of decisions we need to make for nightworkers' struggles to stop? To bring a kinder and safer future through decent working conditions for those doing hidden, yet precious labour while the society sleeps, stakeholders must speed-up decision making processes to fix nightwork out of a labour system traditionally designed for daytime work. Following these proposals would entail a kind future without suffering bodies that work-till-they-drop for the sake of capital accumulation.

Precarity (zero-hour contracts, no paid leave, extra hours on nightshifts) is multi-layered. Despite being essential for its functioning and social reproduction, nightworkers are invisible to the mainstream (first layer). Their bodies are out of synch because they are alert during the night (second layer), as opposed to resting as our biological clocks dictate (Costa 2001; Health and Safety Authority, Ireland 2012). Precarity is further aggravated in migrant workers' cases (third layer), as they are constrained more than locals to accept de-skilled jobs at night and on precarious working terms (unsociable hours) yet striving to keep these jobs.

Women are more vulnerable to abuse in the masculinised working environments. Being a migrant woman working the 'graveyard' shift means to inhabit the lowest level of precarity (MacQuarie 2020).

Furthermore, the resulting production of differential inclusion of migrants is more apparent than ever now as due to COVID-19 many migrants have been laid off or furloughed. Work as they knew it disappeared during the pandemic (Eurofound 2020). However, EU migrants from less privileged socio-economic backgrounds, still travel for work throughout Europe and work as they know it continues – and many end up working nights. COVID-19 pandemic has impacted on migrant workers more than any other group, highlighting their precarious conditions.

These proposals and recommendations are intended to be the starting points for dialogues and consultations among stakeholders on both sides of the channel, in the UK and European countries. In the longer term, there also needs to be further consideration of the place of trade unions within European landscape to acknowledge the role they play in the functioning of a decent society.

Over the year in course (2022), I invite trade union branches, trades councils, trade union executive committees, academics, business and educational researchers, UK and European Members of Parliament, and other individuals and organisations invested in workers' rights to participate in this consultation to advance and ultimately endorse this urgent call for a special Nightworker Charter.

We must act now – by recognising the problems with nightwork, we could initiate the reparation process by adhering to promote decent working conditions and pay for all and by creating a near future whereby nightwork becomes a standalone form of work.

22.02.2022[1]

JULIUS-CEZAR MACQUARIE c/o NIGHTWORKSHOP
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1 Signature list has been opened earlier for those who read and commented on the drafts prior to this publcation date. To see the signatories list click here.

SPECIAL MENTION

The following individuals have contributed with significant editorial work through comments, and feedback on several drafts of the Charter. In alphabetical order:

Alexandra Bulat | Sabah Boufkhed | Magdalena Craciun | Olena Fedyuk | Mariya Ivancheva | Daniel Nelson | Violetta Zentai.

Without their valuable input and insights, it would have not been possible to bring the charter to its present form.

Acknowledgements

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The Nightworker Charter has been developed through conversations with many individuals and it has been endorsed by:
Éva Fodor | Pro-Rector CEU
Violetta Zentai | Co-lead, Democracy Institute CEU
Valentina Sanda-Dediu | Rector NEC
and Lelia Ciubotariu | Executive Director NEC
Nazek Ramadan Moussa | Director Migrant Voice

Note to signatories:
The Nightworker Charter is a set of proposals that you pledge to support on a voluntary basis to show you take nightworkers' precarity seriously. By signing the Nightworker Charter, you show your acknowledgement of the issues raised and that you are ready to get proactive in improving working conditions of nightworkers. Given that this initiative grows out of researching nightwork in the United Kingdom and Europe, the aim is to build from here a growing network made of individuals and organisations dedicated to making a positive change in the life of work of nightworkers all over the world.

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