

Response to the Department for Business and Trade consultation
Make Work Pay: Fire and Rehire – Changes to Expenses, Benefits and Shift Patterns

Respondent: Arts Students' Union

Response type: Organisational response representing the views of Arts Students' Union and its student members

Introduction

Arts Students' Union represents over 22,000 students studying creative disciplines at University of the Arts London (UAL), one of the largest specialist art and design universities in Europe. Our members include students and recent graduates working across a wide range of creative and cultural fields including visual arts, performance, music, design, film, fashion, and media.

A significant proportion of our members undertake paid work alongside their studies, often in sectors characterised by casual contracts, variable hours, and non-standard working arrangements. According to Arts SU's 2025 research report [*Name Your Price*](#), about the cost of study, we found 67% of our members are involved in paid work alongside their studies.

Hospitality, events, and cultural venues are among the most common sources of employment for arts students and early-career creative workers. These sectors frequently involve irregular shift patterns and forms of compensation that extend beyond base pay, including expenses and benefits.

We welcome the Government's commitment to strengthening protections against unfair dismissal practices, including the use of "fire and rehire". However, it is essential that these protections reflect the realities of student and early-career employment. This response sets out how proposed changes relating to expenses, benefits, and shift patterns may affect our members.

Student and creative worker employment

Student workers and early-career creative professionals are disproportionately represented in forms of employment that are casual or zero-hours in nature, reliant on flexible or unpredictable scheduling, and supplemented by non-wage compensation such as expenses or in-kind benefits

This reflects broader labour market patterns affecting young workers. Hospitality and related service sectors (which are major employers of students) are characterised by relatively high levels of insecurity, lower pay, and variable hours. The hospitality industry is one of the largest employers in the UK, with around 3.5 million workers, and plays a particularly important role as an entry point into the labour market for younger people.

Young workers are significantly overrepresented in these roles. For example, workers aged 16-24 make up around half of employees in some hospitality occupations such as waiting staff, bar staff and baristas, despite representing a much smaller proportion of the overall workforce. This concentration means that students and recent graduates are more likely to be exposed to working conditions characterised by variable hours, short-term contracts, and reliance on supplementary income such as tips or expenses.

These roles are also more likely to be low paid. The Office for National Statistics reports that the hospitality sector has one of the highest proportions of low-paid jobs in the UK (around 17%), and that younger workers are disproportionately represented in low-paid employment. As a result, non-wage elements of compensation (including expenses, travel support, meals, or tips) can form a meaningful component of overall income for workers in these sectors.

In the creative industries, it is also common for individuals to pursue “portfolio careers,” combining multiple roles and income streams. Many graduates continue to rely on hospitality, events, and cultural sector employment while establishing their careers. Evidence from graduate outcomes data indicates that around 24% of fine arts graduates are working in retail, catering, waiting or bar staff roles shortly after graduation, highlighting the close connection between creative education and these sectors.

These patterns mean that employment for arts students and early-career creative workers is often characterised by multiple concurrent jobs or income streams, reliance on flexible but unpredictable scheduling, and dependence on supplementary payments or in-kind support.

As a result, contractual elements such as shift predictability and expense reimbursement are not peripheral, but central to whether work is financially viable and compatible with study or creative practice. Changes to these elements (particularly if imposed unilaterally) can have a direct impact on students’ ability to participate in both employment and education, and on early-career workers’ ability to sustain themselves while developing creative careers.

Expenses and benefits must be protected

The consultation asks whether expenses and benefits should be excluded from protections against fire and rehire. Arts Students’ Union does not support a blanket exclusion.

For many student workers, expenses and benefits are not optional “perks” but essential components of remuneration. This is particularly true in sectors such as hospitality, events, and cultural production, where base pay is often relatively low and working patterns can involve additional costs for workers. As noted by the Office for National Statistics, the accommodation and food services sector has one of the highest proportions of low-paid jobs in the UK (around 17%), meaning that supplementary forms of compensation can play a significant role in overall earnings.

Examples relevant to our members include:

- Travel expenses, particularly for late-night shifts or work across multiple sites
- Accommodation provided during festivals, touring work, or remote events
- Meals during long shifts
- Equipment or uniform costs required for the role

These forms of support are often necessary for workers to undertake the job at all. In sectors such as hospitality and live events, shifts frequently finish late at night when public transport options are limited, making employer-supported travel essential. Similarly, event and festival work may require temporary accommodation or subsistence support, without which roles may be inaccessible.

Removing these through fire and rehire could have the practical effect of reducing workers' real income or making roles financially unviable. [Research on low pay and insecure work](#) highlights that additional out-of-pocket costs can significantly erode earnings for workers in low-paid sectors, particularly for younger workers. For example, requiring a worker to cover their own late-night travel costs may reduce their effective hourly income to below minimum wage thresholds once costs are taken into account.

There is therefore a strong case for recognising that certain expenses and benefits function as integral components of pay, rather than discretionary extras. Treating them as outside the scope of protection risks enabling indirect reductions in pay that would not otherwise be permissible.

We therefore recommend that:

- Expenses and benefits that are necessary for the performance of work should be treated as equivalent to pay
- These elements should be included within the scope of protections against fire and rehire where their removal would materially disadvantage workers

Failure to do so risks creating a loophole whereby employers can reduce effective pay by removing associated support rather than adjusting wages directly. This would disproportionately affect workers in sectors characterised by low pay and insecure employment, including many students and early-career creative workers.

Shift patterns are a critical issue for student workers

Shift patterns are a central concern for student workers and should be afforded stronger protection than currently proposed.

The consultation suggests that only extreme changes (for example, day-to-night or weekday-to-weekend shifts) may be protected. However, this approach does not reflect the lived experience of student workers or the realities of work in sectors such as hospitality and events.

In practice, it is not only extreme changes that create difficulties, but also more incremental or cumulative changes to scheduling. [Evidence from the Trades Union Congress](#) highlights that insecure work is often characterised by short-notice scheduling, unpredictable hours, and lack of guaranteed shifts, all of which can make it difficult for workers to plan their time or manage other commitments. These issues are particularly acute for younger workers and those on zero-hours contracts.

For students, the following types of changes can have significant impacts:

- Short notice changes to shifts
- Increasing unpredictability in scheduling
- Changes in shift length or distribution of hours
- Loss of regular or expected working patterns

These changes can directly affect a student's ability to attend lectures, tutorials, and studio sessions, participate in rehearsals, exhibitions, or assessments, or maintain a sustainable balance between work and study.

Students in creative disciplines may be particularly affected due to the structure of their courses, which often involve fixed studio access, rehearsals, performances, and project-based deadlines that require sustained blocks of time. Even small changes to working hours can therefore disrupt both academic progress and creative practice.

Furthermore, [research on student employment](#) indicates that many students are already working substantial hours alongside their studies, often in response to financial pressures. In this context, predictability of work is as important as the number of hours worked. Unpredictable or frequently changing shift patterns can lead to missed teaching, reduced academic performance, and increased stress. Even relatively small or incremental changes to shift patterns can therefore have disproportionate consequences for student workers. A narrow definition of protected changes risks overlooking the ways in which instability and unpredictability operate in practice.

We therefore recommend that protections relating to shift patterns should:

- extend beyond extreme changes to include predictability and notice
- recognise the cumulative impact of repeated or ongoing changes
- account for the specific needs of workers balancing employment with education

Without such protections, there is a risk that employers may be able to impose increasingly unstable working patterns through fire and rehire, undermining both job quality and students' ability to participate fully in higher education.

Power imbalance and worker vulnerability

Student workers are particularly vulnerable to fire and rehire practices due to their concentration in casual and insecure employment, limited bargaining power within the workplace, and reliance on maintaining good relationships with employers to secure shifts.

These characteristics reflect broader patterns in the UK labour market affecting young workers. Analysis by the Trades Union Congress has consistently found that younger workers are significantly more likely to be employed in insecure forms of work, including zero-hours contracts, agency work, and short-term roles. Such arrangements typically provide fewer protections and limit workers' ability to challenge changes to their terms and conditions.

For student workers, these dynamics are often intensified. Employment in sectors such as hospitality, retail, and events is frequently shift-based and dependent on informal allocation of hours. Workers may feel that raising concerns about pay, scheduling, or working conditions could result in fewer shifts being offered in future. This creates a strong incentive to accept unfavourable changes, even where those changes have a material impact on income or working conditions.

Research on insecure work highlights that workers in precarious employment are less likely to raise grievances or assert their rights, particularly where they lack continuity of employment or expect to remain in a role for only a short period. This is highly relevant to students, who may cycle through multiple short-term jobs during their studies.

As a result, protections that rely solely on workers asserting their rights (for example through formal complaints or legal action) may be insufficient in practice. Workers may be aware of unfair changes but feel unable to challenge them due to fear of losing work or damaging relationships with employers.

This underscores the importance of a legal framework that places clear limits on the use of fire and rehire in relation to key contractual terms, rather than relying on individual enforcement. Strengthening statutory protections helps to rebalance power between employers and workers and ensures that vulnerable groups are not disproportionately exposed to detrimental changes.

Access to work and education

There is also a broader equity dimension to this issue, which extends beyond employment conditions alone.

If employers are able to reduce expenses support or introduce increasingly unpredictable shifts, certain forms of employment may become inaccessible to students who cannot afford

upfront costs (such as travel or accommodation), need predictable schedules in order to attend classes, or have caring responsibilities or other constraints.

Financial barriers are a significant factor shaping students' ability to participate in both education and employment. Evidence from the Higher Education Policy Institute indicates that a majority of students now undertake paid work during term time, often out of financial necessity rather than choice. In this context, access to suitable employment is a key component of students' ability to sustain themselves during their studies.

It is important to note, not all students are equally able to absorb the risks associated with insecure or unpredictable work. Students from lower-income backgrounds, those without family financial support, and those with additional responsibilities are particularly affected by the need to cover upfront work-related costs, sudden changes to income due to lost shifts, and scheduling conflicts that disrupt academic participation. Unpredictable or unstable working conditions can therefore have direct consequences for educational outcomes.

Changes to shift patterns may lead to missed teaching, reduced time for study, or increased stress, all of which can negatively affect academic performance. For students in creative disciplines, where coursework often requires sustained periods of studio access or rehearsal time, these impacts may be especially pronounced.

There is also a longer-term impact on access to creative careers. The creative industries are already characterised by barriers to entry, including unpaid work, freelance precarity, and the need to supplement income through other employment. If access to flexible and viable student employment becomes more restricted, this risks further entrenching inequalities within the sector. Ensuring that key aspects of employment (including expenses support and predictable working patterns) are protected is therefore not only a matter of labour rights, but also of fair access to work and education. Without such protections, there is a risk that only those with sufficient financial resources and flexibility will be able to access and sustain both higher education and early creative careers.

Summary of recommendations

Arts Students' Union recommends that the Government take a broad and inclusive approach to defining "restricted variations" under fire and rehire protections, ensuring that the legislation reflects the realities of student and early-career employment. We recommend that the Government:

1. Include essential expenses and benefits within fire and rehire protections

Expenses such as travel, accommodation, meals, and role-specific costs are often integral to the ability to undertake work in sectors such as hospitality, events, and cultural production. Removing these through contractual changes can have the same effect as a reduction in pay.

The legal framework should therefore recognise that these elements are not discretionary perks, but core components of compensation, and should be protected accordingly.

Likewise, changes to expenses, benefits, or shift patterns may not appear as direct pay reductions, but can have equivalent effects in practice. For example:

- removing travel support increases the cost of working
- unpredictable shifts may reduce total earnings or access to higher-paying hours
- loss of regular hours may reduce income security

The legislation should therefore adopt a broad understanding of detriment, recognising that pay and job quality are shaped by a combination of contractual terms, not salary alone.

2. Expand protections relating to shift patterns

The current focus of this consultation on extreme changes (such as day-to-night shifts) does not capture the realities of insecure work. For student workers, frequent or short notice changes to working hours can significantly disrupt their ability to balance employment with study. Protections should therefore extend to:

- short-notice scheduling changes
- unpredictable or fluctuating working patterns
- loss of regular or expected hours
- cumulative changes that reduce stability over time

This would ensure that the legislation reflects the importance of predictability and stability in modern labour markets.

3. Account for the realities of casual and student employment

Student workers and early-career creative professionals are disproportionately represented in casual and insecure forms of employment. These workers often have limited bargaining power and may be less able to challenge changes to their terms and conditions.

Protections should therefore be designed to operate effectively in contexts where employment relationships are short-term or intermittent, hours are allocated informally or at the employer's discretion, or workers may be reluctant to raise concerns due to fear of losing shifts.

This includes ensuring that protections do not rely solely on individual enforcement, but provide clear and accessible safeguards within the legal framework itself.

4. Consider the impact on access and equality

The ability to access and sustain employment while studying is not evenly distributed. Students from lower-income backgrounds, those with caring responsibilities, or those without access to financial support are particularly affected by upfront work-related costs, unpredictable or unstable working hours, and reductions in income or support.

Without adequate protections, changes to expenses and shift patterns risk excluding some students from employment opportunities altogether.

This has implications not only for labour rights, but for social mobility, access to higher education, and participation in the creative industries.

5. Ensure clarity and consistency in the definition of protected terms

The effectiveness of the legislation will depend on how clearly protected terms are defined. Narrow or overly technical definitions may allow employers to restructure contracts in ways that circumvent protections in practice.

The Government should therefore ensure that:

- definitions of expenses, benefits, and shift patterns are sufficiently broad
- guidance reflects real-world working arrangements in sectors such as hospitality and events
- employers and workers can clearly understand their rights and obligations

This will help ensure consistent application of the law and reduce the risk of unintended consequences.

6. Monitor and review the impact on young and insecure workers

Given the disproportionate impact of these issues on younger workers and those in insecure employment, the Government should commit to monitoring how the legislation operates in practice, including its impact on student workers, workers on zero-hours or temporary contracts, and early-career workers in sectors such as hospitality and the creative industries.

This would allow for future refinement of the framework if gaps or unintended consequences emerge.

