

# Pandemic Necrolabour and Essential Workers in the UK and France

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## ABSTRACT

Drawing on recent studies on the necropolitics of Covid-19, this paper focuses on UK and French government policies towards essential workers, examining the conditions under which workers were systematically exposed to deadly harm within these two contrasting economic models. I argue that the pandemic revealed a category of necrolabour whose labour value supersedes their right to life and who could be legitimately sacrificed in the interests of the economy. Statistical recording shows that internationally, death rates amongst low-income essential workers were disproportionately high. We will see that workers' exposure to death was as much a consequence of state authority that compelled them to continue working, at risk to their lives, as an outcome of official negligence that left many unprotected and lacking basic rights. Without legislative changes to improve employment rights and social protection, the unnecessary deaths of socially marginalised workers in essential jobs are likely to persist in the post-pandemic economy.

## KEYWORDS

Essential workers, Covid-19, necropolitical, UK, France

## Introduction

Recent studies have pointed to the necropolitical underpinnings of government policies during the pandemic and the ways in which they differentially exposed certain groups to preventable deaths (Lee, 2020; Darian-Smith, 2021; De Jesus, 2020; Muniz et al., 2021; Sandset, 2021). The pandemic both revealed and intensified profound structural inequalities in society, with socially and racially marginalised groups experiencing disproportionately higher death rates. Recent studies draw on scholarship on necropower and, in particular, the work of Achille Mbembe (2003: 12), who characterised sovereignty in terms of a capacity to determine the conditions of life and death: "To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power". For Mbembe (2003: 12), the core question for contemporary politics is: "Under what practical conditions is the right to kill, to allow to live, or to expose to death exercised?". Drawing on recent scholarship and its theoretical underpinnings in the work of Foucault, Mbembe and Agamben, this paper examines the conditions under which labour, and in particular those classified as essential workers, were exposed to mortality risk during the pandemic. In the context of the health crisis, governments assumed exceptional powers to organise the workforce, by stratifying workers according to whether they were essential or non-essential and consequently, whether their lives would be protected or put at risk. While essential workers helped to maintain the economy and safeguard financial interests, they were routinely exposed to ill-health or death (Gallagher et al., 2021; Gaitens et al., 2021; Aloisi and De Stefano, 2022), and the highest death rates during the pandemic were amongst essential workers in low-skilled occupations (The

Lancet, 2020; Rao et al., 2021; ONS, 2021; Pathak et al., 2022).

Of all European governments, the UK and France have come under the sharpest criticism for their response to the health crisis, for failing to protect the population and for exposing them to preventable deaths. One survey of citizens' satisfaction with government responses to Covid-19, conducted across 14 countries, ranked the UK lowest in terms of public satisfaction and France in fifth lowest position (Chen et al., 2021b). In the UK, the chief editor of the *British Medical Journal* accused the government of "social murder" and of failing to protect the general population from basic harm (Abbasi, 2021). In France, the former minister of health, Agnès Buzyn, was placed under investigation by the Court of Justice of the Republic on 10 September, 2021, for "endangering the lives of others" through her management of the crisis and in particular her failure to ensure adequate supplies of protective equipment to essential workers (Touya de Marenne, 2022). In both contexts, governments followed a similar policy line on labour that consisted of identifying and stratifying groups of essential workers who would be obliged by state regulation to continue working in the broader interests of society. While framed in the context of a grave health emergency and the imperative of saving lives, the term essential work was skewed from the outset towards the need to maintain an efficient and buoyant economy (Darlan-Smith, 2021). While key workers, encompassing vast swathes of the workforce, were lauded as heroes and recognised for their social value, they were also treated as an expendable resource who were routinely exposed to deadly risk in the service of their jobs.

Drawing on scholarship on the necropolitical, this paper argues that the pandemic made visible a category of necrolabour whose labour value supersedes their right to life and who could be legitimately sacrificed in the labour process. Necrolabour is not a new category, but is composed of ranks of precarious workers whose numbers increased exponentially in the decades preceding the crisis. Essential workers have lower pay and poorer working conditions than the average worker and high numbers of essential workers are from socially marginalised groups (Barnes, Ndebele and Harrison, 2020; Aloisi and De Stefano, 2022). What distinguished the Covid-19 period is that death processes which were normally unseen or overlooked became temporarily visible as an object of epidemiological scrutiny. This paper examines the mechanisms by which essential workers were exposed to premature and avoidable death in the UK and French contexts. We will see that fatal risk was not an accidental or residual outcome of economic processes, but was sanctioned by state policies on essential work. Yet death processes were also a consequence of an absence of political authority, which failed to safeguard the lives of many workers who were left without basic protection and rights. While essential workers were forced to go to work, neither the state nor employers took full responsibility for ensuring their workplaces were safe. Many fell through the gaps of social protection and safety regulation and were forced to work when ill, as they were not entitled to adequate sick pay provision (IER, 2021).

Covid-19 exposed structural inequalities within national economies that existed long before the onset of the crisis. The UK has one of the most flexible labour markets in the world with limited regulations and formal protections for employees, whereas France has traditionally been characterised by its regulated and protected workforce where rights are enshrined within an extensive Labour Code. UK workers therefore came into the pandemic with far weaker rights and social protection than their French counterparts and faced a higher risk of exposure to ill-health and death.

Drawing on methodological approaches based on discourse analysis, this paper examines an extensive corpus of primary material including policy documents, political statements and ministerial speeches produced by the UK and French governments during the Covid-19 period, situating these within a wider analysis of statistical data on labour market inequalities and

occupational death rates in each national context. Informed by the wider scholarship on necropolitics, the aim of the article is to identify and analyse the necropolitical tendencies that underpinned policies on essential workers, by developing an alternative conceptual framework based on the notion of necrolabour.

The first section of the article builds a conceptual framework based on necrolabour, suggesting that this provides a useful lens for thinking through the pandemic and its ongoing effects. The second part examines how the UK and French governments deliberately exposed essential workers to fatal harm and justified this through a rhetoric of national emergency. In a third section, I examine how high death rates amongst essential workers were the outcome of official abandonment that left the most precarious workers without the minimal protections needed to survive. The final section examines death statistics affecting essential workers in the UK and France, elucidating the impact of necropolitical dynamics on this category of workers.

## Death Economics

Recent studies have analysed the necropolitical dimensions of the Covid-19 pandemic, arguing that death and the capacity to control, regulate and legitimise death became a core feature of political power during the pandemic. For Eve Darian-Smith, Covid-19 laid bare the existence of economies of death which view “certain populations not only as disposable but in fact only valuable when dead” (Darian-Smith, 2021: 62). For some critics, the mass loss of life was accepted and normalised in the quest to return to a flourishing and efficient economy. Covid-19 is seen to have both exposed and intensified the stark inequalities facing certain populations and groups and exacerbated conditions of differentiated vulnerability (Muniz et al., 2021). Hence, some studies focused on the situation of ethnic minorities in the UK or US during the pandemic (Darian-Smith, 2021; Sandset, 2021) or on the “poorest of the poor” in Nigeria (Okorie, Okorie and Amusan, 2021). Others were concerned with the plight of indigenous people in Northeast India (Malsom and Tripura, 2021) domestic workers, urban poor, indigenous Amazonians or social minorities in Brazil (De Jesus, 2020; Muniz et al., 2021). This article aims to contribute to this scholarship by examining how necropolitical dynamics were played out on the central category of labour itself. I suggest that necropolitics was a core organising principle of labour policy during the pandemic, which demarcated the entire workforce according to whether or not they would face deadly risk. Those defined as key workers occupied a paradoxical and antithetical position as both necessary and urgent labour, but also as the most expendable and the least likely to survive the health crisis.

Recent scholarship is grounded in the work of Achille Mbembe, whose essay “Necropolitics” opens with the assertion that “the ultimate expression of sovereignty resides, to a large degree, in the power and the capacity to dictate who may live and who must die.” (Mbembe, 2003: 11). Drawing on Foucault’s concept of the biopolitical, Mbembe analyses how modern political regimes have extended sovereignty over conditions of life and death and are ultimately defined by the right to kill. Unlike biopolitics, which is concerned with how state regulatory control is extended over populations in order to foster life and its productive capacities, necropower is concerned with the production of death and death subjects and is directed towards the “creation of *death-worlds*” (Mbembe, 2003: 40). While Mbembe’s work is focused on the practice of sovereignty in the political sphere, this paper draws on more recent studies that have sought to transpose the notion of necropower from the political to the economic domain, using it as a critical framework for examining conditions under 21<sup>st</sup> century capitalism. These studies frame contemporary capitalism not in terms of a logic of producing and sustaining living labour, but in terms of a power to inflict death and to generate dead labour. Some have pointed to the existence of necroeconomics

(Montag, 2005; Haskaj, 2018), necrocapitalism (Tyner, 2019) or necroliberalism (LeVine, 2020) that are seen to determine the relationship between power and life in contemporary capitalist regimes. In his rereading of Adam Smith's classic work, *The Wealth of Nations*, Warren Montag (2005:16) first defined necroeconomics as the justification of death according to the principles and mechanisms of a self-regulating market:

The market reduces and rations life; it not only allows death, it demands that death be allowed by the sovereign power, as well as by those who suffer it. In other words it demands and requires that the latter allow themselves to die.

Critics such as Fakir Haskaj define necroeconomics as a historically-situated phenomenon that is part of a fundamental shift in the logic of capitalism towards neoliberalism. Meanwhile, James Tyner (2019: xiii) argues that we are witness to a new political economy of premature death or "an emergent *necrocapitalism*".

While drawing on studies of necroeconomics, this paper sharpens the focus further by examining the necropolitics of labour during the pandemic, exploring how state authority was used to select and dispose of specific groups according to their perceived labour value. Some scholars have examined necropolitical practices affecting labour in the 21<sup>st</sup> century (Haskaj, 2018; Tyner, 2019; Darian-Smith, 2021; Sandset, 2021). They show that whereas some workers are exposed to conditions that are so detrimental to their health that they will ultimately die, others are systematically pushed out of systems of production and left without the means to survive. These studies are critical in highlighting new and extreme injustices that prevail within contemporary capitalism in which capital is not limited to extracting productive resources from labour, but has increasingly acquired a capacity to kill in the interests of economic profit. For instance, James Tyner (2019) is concerned with the social and structural conditions that transform living workers into dead workers. For Fakir Haskaj (2018: 1149), death has even become a source of economic gain and profitability under contemporary capitalism, as dead bodies acquire an economic value: "Death - the loss of a human who possesses labour power, the very antithesis of living labour - has thus become a source of value". Drawing on this scholarship, this article suggests that the pandemic brought into focus the existence of necrolabour, a category whose labour value supersedes their right to life and who can be legitimately exposed to death in the economic interest.

The concept of necrolabour can provide a useful lens for thinking through the politics of the pandemic and in particular, state policies towards essential workers, as it highlights a fundamental division between those who may or may not legitimately die in the perceived general interest. Drawing on recent scholarship on necropolitics, a number of core features of necrolabour can be delineated. A first feature of necrolabour is that it is composed of vast swathes of low-income and precarious workers whose ranks increased exponentially in the ten to fifteen years that preceded the crisis. The pandemic did not structurally transform labour conditions or generate new categories of labour, but rather it amplified and exposed pre-existing structural and social inequalities affecting certain groups. Instead of viewing the pandemic as an exceptional period of violence or a unique traumatic event, some critics argue that it manifested a long-standing legacy of structural inequalities or forms of "slow violence" that occur continuously, in the everyday and out of public sight (Nixon, 2011; Sandset, 2021). Scholarship on precarity shows how vulnerable and socially marginalised groups have always faced a disproportionate risk of injury and death in the service of their jobs. Some scholars point to "precarization" as an active process that constructs specific categories of labour, rather than a natural or inevitable outcome of structural changes in the economy. Hence Judith Butler (2009: 25) defines precarity as "the politically induced condition in which certain populations suffer from failing social and economic networks becoming differentially exposed to injury, violence, and death". Similarly, French sociologists have

emphasised the ways in which precarious work endangers both physical and mental health and accentuates exposure to death (Paugam, 2000; Cingolani, 2017). Covid-19 is therefore entangled with structural conditions which made certain lives more likely to experience ill health and end prematurely.

While the UK and French governments followed similar labour policies towards essential workers during the pandemic, they were implemented in very different labour markets, where workers were differentially exposed to mortality risk. Indeed, Covid-19 has proved to be a test-case for contrasting economic models, and necrolabour is shaped by differing labour conditions that long preceded the crisis. In the UK, there was an exponential rise in low-paid, insecure and zero-hours-contract work, particularly in the period since the 2008 economic crisis. A report by the Health Foundation shows that 36 per cent of UK workers or approximately ten million people work in low-quality, precarious or low-paid jobs (Tinson, 2020). While care workers were rightly praised and applauded during the crisis, statistics show that around half of them earn less than the living wage and one in seven of them is on a zero-hours contract (Cominetti, Gardiner and Kelly, 2020). In France, there has been a rise in atypical, unregulated employment in the years preceding the pandemic, with an “uberisation” of the economy and an expansion of work marked by low pay and poor working conditions which falls outside the protections of the French Labour Code. Between 2006 and 2013, the proportion of employees in atypical jobs increased by 22 per cent and nearly three million workers (one in ten) now have atypical jobs, often alongside a standard fixed-term contract. However, while the proportion of atypical work has increased significantly, it has not yet reached the endemic levels evident in the UK, and the standard, open-ended contract (*contrat à durée indéterminée*) is still the norm in France, constituting the largest share of current employment (88 per cent) (Alternatives Economiques, 2021). In a 2018 comparative survey of labour market flexibility across 28 EU countries, the UK was ranked second (after Denmark) in terms of its labour market flexibility, with limited regulations and formal protections for employees. This compared with countries such as France, Greece and the Netherlands which have the least flexible labour markets and therefore the strongest workplace protections and rights. Exposure to death was therefore determined by differing labour conditions in the UK and France and their effects on the most socially vulnerable occupational groups (Epicenter, 2018).

A second feature of necrolabour is that it describes workers whose deaths were officially sanctioned, authorised and legitimised by the state in a context of grave national emergency. During the pandemic, worker deaths were not an unintended or residual outcome of market forces alone, but were the consequence of political decisions that instrumentalised conditions of life and death by selecting some groups to die in order to protect others. Necrolabour therefore blurs the distinction between “letting die” and “making live”, reflecting the prerogative of government to inflict death in moments of crisis (Darian-Smith, 2021). Some scholars view the pandemic through the lens of a “state of exception” during which governments suspend normal democratic rules and assume extraordinary powers to respond to an unprecedented collective threat (Agamben, 2005; McConkey, 2013). The state of exception can be defined as a “special condition in which the juridical order is acutely suspended due to an emergency or a serious crisis threatening the state” (Giordanengo, 2016: 1). In this context, death is not a violation of the moral or judicial order but is justified in response to an emergency, as governments redefine the parameters of what is morally and legally permissible. Agamben suggests that concentration camps, the extreme paradigm of inhumanity, were not founded on a violation of the established order but were rooted in solid legal and judicial principles designed to protect public safety. The state of exception is both outside of and contained within the law in that, enshrined within the law, is the legal provision for the law itself to be suspended.

During Covid-19, both the UK and French governments used the familiar tools of state sovereignty to authorise emergency powers that involved either passing or suspending laws and issuing orders and decrees. In the UK, the Coronavirus Act (March 2020) granted the government emergency powers to make regulations without an act of parliament and without the need to comply with statutory duties, and in France, the government introduced a new act on 23 March 2020 (Law no. 2020-290) that created an emergency regime that allowed government to assume whatever powers were necessary to deal with the health emergency (Chen et al., 2021b). Death processes were not a covert practice occurring on the margins of society within camps or zones of abandonment, but an explicit driver of public policy sanctioned with the full legal and regulatory powers of the state.

A third aspect of necrolabour is that it is an urgent, valuable and necessary form of labour that is sacrificed in the labour process. Workers in this category are recognised solely in terms of raw labour power and are not acknowledged in relation to their humanity – because their labour is so precious to society, their right to health and life is systematically denied. Necrolabour should therefore be distinguished from the Marxist concept of “surplus populations” that characterises a capitalist system that extracts surplus value from workers and then disposes of them, rendering them unnecessary, excess or expendable (Biehl, 2013). Saskia Sassen defines capitalism by expulsionary mechanisms that instrumentally forge exclusion and expose some groups to elementary violence and brutality (Sassen, 2014). Left without access to social benefits or welfare, surplus populations are condemned to a form of social death. Unlike surplus populations, necrolabour is pushed into the system of production and compelled to work even when labour conditions threaten the reproduction of life. During the pandemic, essential workers faced risks of deadly harm, not because they were deemed to be useless, but because they were so useful to society that their right to life was considered secondary to their labour function. Necrolabour corresponds to Agamben’s conception of “bare life”, groups that are actively included in society but stripped of humanity and who can be killed by the sovereign power: “human life is included (...) solely in the form of its exclusion (that is, of its capacity to be killed)” (Agamben, 1998: 12). For the purposes of this article, I define necrolabour by these three core features: (i) necrolabour is composed of vast swathes of precarious workers whose existence becomes visible during periods of crisis when death rates across the population are subject to temporary statistical enquiry; (ii) necrolabour denotes workers whose deaths are officially sanctioned, organised and legitimised by the state at a time of national emergency and in the interests of the economy; (iii) necrolabour is not surplus or redundant labour, but is defined by its social utility, which supersedes the right to life.

## Who is Essential?

It is arguably in relation to labour and the workforce that the necropolitical dimensions of Covid-19 were most sharply evident. Giorgio Agamben (1998) has argued that modern state power is exerted through techniques and practices that stratify, organise and segregate the population into *bios*, who are protected and endowed with rights, and *zoe*, who are reduced to bare life and who are expendable. In response to the health crisis, governments stratified their workforce into binary categories of essential or key workers and non-essential workers, differentiating those who would be allowed to work from home and whose health would be protected from those who would be obliged to go into work and expose themselves to deadly risk. This section analyses UK and French policies on essential workers during the pandemic and develops two key arguments. Firstly, while governments framed essential work as a strictly defined and categorical term, in reality, it was a fluid and amorphous category that could be strategically applied to any kind of worker whose job

was deemed economically important. Secondly, while political leaders justified essential work in relation to the health emergency and the urgency of saving lives, from the outset, the category was skewed towards economic rather than health interests.

The UK and French governments framed their labour policies in warlike terms, using a heroism narrative to depict key workers as exemplary citizens displaying exceptional courage and self-sacrifice in the face of a deep-seated national crisis (Cox, 2020). In the UK, Boris Johnson set up a “war cabinet” composed of himself and four other ministers, and declared: “We are engaged in a war against a disease which we must win” (Rawlinson, 2020). Similarly, French president Emmanuel Macron stated “We are at war” six times in his speech of 16 March, 2020, against an “invisible and elusive” enemy, and called for a general mobilisation of the population. (Minassian, 2020). Similarly, he eulogised health sector workers as heroes in white coats who were using their unique professional skills and qualities of bravery to save the rest of the population. However, for both governments, the term essential work extended beyond the health sector and encompassed jobs across vast and diverse parts of the economy that served solely economic interests. In the UK, the government’s list of essential workers<sup>1</sup> published on 19 March, 2020 extended beyond essential services (hospitals, social care, prisons, courts, local authorities, police and fire services, utilities and food production) to include call-centre workers, vicars, bank employees and warehouse staff. In France, the government refused to publish an official list of essential sectors and services and appealed instead to employers’ sense of responsibility and obligations under the Labour Code, emphasising the “interdependence of economic sectors”, which meant that it was impossible to specify which particular sectors or jobs were essential (Géa, 2020). A ministerial decree of 15 March, 2020, set out a list of services that could remain open and these ranged from essential providers such as supermarkets to bicycle repair shops, hardware stores, newsagents, hotels, campsites and financial and insurance services (Legifrance, 2020).

Both Johnson and Macron pursued a dual and contradictory strategy of urging people to stay at home and imposing strict lockdown measures, while facilitating a return to work either by ordering essential workers to return to their workplaces or making the regulations so vague and ill-defined that employers could compel them to do so. When announcing the first lockdown on 23 March 2020, Johnson stated that people were only allowed to leave home when “travelling to and from work, but only where this is absolutely necessary and cannot be done from home”. On 4 July, new guidelines allowed all workers to return to Covid-secure workplaces (Rimmer, 2020). On 17 July, the prime minister appealed to workers to return to Covid-secure workplaces and to get back to normal. Similarly, in France, a government decree of 23 March 2020 required the population to stay at home except when travelling to and from work (Décret du 23 mars 2020). In his early pronouncements on 14 and 16 March, Macron sought to communicate the urgency of the crisis and the need for strict lockdown measures. Yet facing fears of an economic shutdown and under pressure from employers’ unions, Macron quickly changed tack, encouraging workers and companies to continue their activities and, on 19 March, Macron urged workers to return to work where it was necessary and safe to do so (Géa, 2020). This was reiterated by the minister of work, Muriel Pénicaud, who observed that “a certain continuity is necessary” and added, “our intention is that economic activity can persist as far as possible”. She went on to criticise a building union for “defeatism” when it instructed its builders not to go on site as it was unsafe to do so (Géa, 2020).

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<sup>1</sup> In the UK, the term “key worker” dates back to the mid-19<sup>th</sup> century and denoted workers considered essential to maintaining the productive peace of entire communities. The first key workers were telegraph operators (Poole, 2020).

As a rhetorical tool, the term essential work held a “deliberate indeterminacy” and was sufficiently vague and amorphous that it could be applied to any job or economic activity whatsoever (McGhee, Moreh and Vlachantoni, 2017). It provided employers with the authority to compel workers to return to the workplace on the grounds that they were “essential”. In UK government guidance to employers on 23 March, 2020, the notion of essential work was used loosely to refer to anyone who was unable to work at home and was not ill. With the onset of a third lockdown on 6 January 2021, government guidelines became looser still, replacing the term “essential” with the notion of “reasonable” or “unreasonable” work. In practice, whole swathes of the economy remained open during lockdown, including warehouses, offices, call-centres and factories. According to one source, the key reason UK death rates were so high was that “we don’t actually have a lockdown” and the government continued with a business-as-usual approach that allowed people to continue to go to work (Molloy, 2020).

In France, the government’s refusal to define official categories of essential workers, meant that employers were at liberty to make decisions themselves about who was or wasn’t essential. In practice, a third of workers in the private sector continued to go to work throughout the first lockdown of March 2020, and this increased to 59 per cent in November 2020 and 55 per cent in April 2021 (Erhel and Moreau-Follenfant, 2021). Many large companies in sectors such as manufacturing, public transport, telecommunications, construction, retail and call centres continued to operate during lockdown, including leading manufacturing companies such as PSA, Airbus, Sanofi and AirLiquide. Yet many companies failed to impose social distancing rules or to provide protective equipment. One enquiry criticised companies including Amazon, Veolia, PSA, Axa, Korian and Disney for benefitting from soaring share prices while failing to provide basic safety protection for their employees. They pointed to the irony that Airbus quickly restarted production assembly lines for aeroplanes in France despite airplanes being grounded across the world throughout the lockdown periods (La France insoumise, 2020).

Recent studies show that those defined as essential workers were predominantly lower paid and socially marginalised workers:

That is the last thing that the coronavirus is, a leveller. It does not affect everyone equally. This is a virus that affects our capacity to breathe. And it forces governments and hospitals to decide who will continue breathing. (Tarusi, 2020)

Workers in the middle and upper-income bracket were most likely to be allowed to work from home, whereas those in the lowest income bracket had no alternative but to work on site regardless of the circumstances (Aloisi and De Stefano, 2022). In the UK, 33 per cent of the total workforce (10.6 million) were in key worker occupations and industries in 2019, and many of those in the food industry and in health and social care occupied the lowest-paid decile (ONS, 2020). A study by the Institute of Fiscal Studies found that key workers were paid an average of 8 per cent less than non-key workers, and they were more likely to be female and lower paid than other employees. Moreover, testimonials of essential workers described situations in which their otherwise mundane workplaces were transformed into spaces of extreme violence, with one UK supermarket worker, Jay, commenting, “It’s like a war zone” (Cai, Tindal and Velu, 2020). In France, public authorities drew a distinction between frontline workers in the healthcare sector and “second line workers” in other essential services. One study of the 4.6 million second line workers employed in the private sector showed that they had lower pay, poorer conditions and higher risk of accidents than the average worker (Amossé et al., 2021). Amongst those sectors that continued to work throughout the crisis, significant social and gender disparities were evident. Hence supermarket employees were characterised by low paid contracts and 90% of this workforce are women.



## Authority and Negligence

During the pandemic, exposure to death was as much a consequence of an excess of state authority, as a failure of authority or an official negligence that left vast swathes of workers without basic protection and rights. An extension of state regulation over the working population and their daily routines co-existed with a capitulation of the basic duty to protect life. While compelling certain groups to continue working throughout the pandemic or by making regulations so loose that employers could make them do so, governments did not always take responsibility for ensuring working conditions were safe. Furthermore, they didn't always protect workers who were sick, obliging them to continue working in order to earn the means to survive. It is on this question of labour protection or an absence of protection that the differences in UK and French contexts are most stark. We will see that as a result of weak labour regulations and social protection, the life chances of UK workers were significantly diminished going into the pandemic compared with their French counterparts.

A first aspect of official negligence was a failure to provide safe conditions in workplaces. Whilst using coercive methods to designate which workers would be required to return to work, governments relegated responsibility for workplace safety to individual employers. Extensive surveys in the UK and France reveal dire conditions in many workplaces, particularly at the start of the pandemic, with a failure to provide adequate protective equipment or to ensure that safety measures such as social distancing were in place. As health workers were prioritised for protective equipment, essential workers in other sectors were often left with little or nothing. At a time when the UK Health Secretary was urging people to return to work, arguing that the vast majority of workplaces were Covid-secure, a survey of employees conducted by the TUC found that less than half (46 per cent) said that safe social distancing had been introduced in their workplaces. Those in low-paid, insecure jobs were worst affected, with one in four stating that no action had been taken by their employer to reduce the risk of infection (TUC, 2020). Government regulations allowed taxi drivers and private hire drivers to work during the pandemic (PHE Regulations no. 350, 26 March), yet no minimum safety standards were introduced to protect drivers from contracting the virus. The death of a 45-year old Uber driver who had tested positive for Covid-19 on 11 April, 2020, led to a campaign for regulatory enforcement to push private hire operators to introduce safety protocols and personal protective equipment (Nagesh, 2020). In the UK, there were 500 confirmed or suspected Covid-19 outbreaks in offices in the second half of 2020, according to Public Health England (Personnel Today, 2021)

In France, the former minister of health, Agnès Buzyn, was the first minister worldwide to be placed under criminal investigation for failing to protect lives during the crisis. According to a French government survey conducted in early 2021, 18 per cent of workers reported having contracted Covid since the beginning of the pandemic and 28 per cent of these stated that they had contracted the virus at work (Alternatives Economiques, 2021). The occupations with the highest infection rates were transport workers, nurses and midwives, care workers and emergency service workers (Coutrot et al., 2021). The media shared images of check-out assistants, underpaid and undervalued yet exposed directly to the risk of infection, forced to wear washing-up gloves and protected only by a makeshift sheet of cellophane. One check-out assistant described her role as “cannon fodder”, on the frontline of the crisis but lacking basic protection, and working in a state of fear of getting ill and bringing the virus home to her family (Huffington Post.fr, 2020).

A second aspect of official negligence was the failure of governments to enforce health and safety regulations in the workplace. In the UK, workplace inspections fell rather than increased

during the pandemic and the number of inspections completed between May and September 2020 was 40 per cent lower than during the same period in 2019 (IER, 2021). At the start of the pandemic, with the support of government, the Health and Safety Executive (HSE), the UK regulator for workplace health and safety, defined Covid as a “significant” rather than a “serious” workplace risk, thereby restricting its capacity to regulate and prosecute employers who failed to comply with Covid safety measures. Despite 4 500 Covid workplace outbreaks, not a single employer was prosecuted for breaking Covid regulations during the pandemic (compared with approximately 45 000 individuals who were fined) (Wall, 2021a). The UK government has been beset by criticism for failing to prevent Covid-19 spikes across different workplaces and, according to one study, the HSE may have failed to capture thousands of work-related Covid-19 infection cases and hundreds of deaths (Agius, 2020). More than 500 cases were reported at the government agency, the DVLA, in Swansea, where the strictest health and safety measures should have been in place. Other large workplace outbreaks include a Marks & Spencer sandwich supplier in Northamptonshire, where 324 workers tested positive in August 2020, and a chicken processing plant in Anglesey, where 217 cases were identified by Welsh public health officials in June 2020 (Wall, 2021b).

In France, by contrast, stricter employment legislation meant that unions could file civil cases against employees during the pandemic. For example, the SUD trade union filed a civil case against Amazon for failing to protect its employees during the pandemic. The judge ruled in favour of nearly 10 000 workers on 14 April, 2020, stating that Amazon had not done enough to protect its workers, and ordered it to stop selling non-essential goods for a month with a potential £870,000 fine for each violation of the ruling. The courts made a similar ruling against French postal services (La Poste) and car manufacturer, Renault (Malfettes, 2020). New measures introduced on 3 July, 2020, gave safety inspectors increased powers to monitor, regulate and sanction companies in relation to their Covid-19 safety rules, with the power to impose a sanction of up to €4 000 on a company. According to the French Ministry of Work and Employment’s website, there were 50 800 inspections since the beginning of the pandemic, and during the first lockdown, there was an average of 2 250 per week. These inspections gave rise to 336 formal notices and fourteen judicial cases against employers for causing serious and imminent danger to others.

A third aspect of official negligence was weak protection for workers when they were ill or self-isolating and unable to work. While governments imposed strict legal requirements of self-isolation, they often failed to provide adequate financial support to allow workers to survive without earning a salary. This problem was particularly acute in the UK, where workers who were ill with coronavirus had the lowest mandatory sick pay of all OECD industrialised nations as a proportion of average earnings (OECD, 2020). In 2018, the European Committee of Social Rights judged the UK’s sick pay system was “manifestly inadequate” and “not in conformity” with its legal obligations under the European Social Charter (European Social Charter, 2018). Alongside meagre sick pay provisions for workers on standard contracts, the UK is one of only four countries in Europe where self-employed people are not eligible for any sick pay. Workers in gig economy companies (Deliveroo, Uber, Hermes, ISS, DPD) are classified as “independent contractors” and are not entitled to the minimum wage, sick pay or holiday pay. This prompted a cross-party group of MPs to write to Deliveroo (13 May 2020) to ask for basic provision such as sick pay for workers who were ill or had coronavirus symptoms and basic protective equipment to keep them safe (IWGB, 2020). A TUC study found that around a third of those on zero-hour contracts did not qualify for sick pay, because they did not meet the minimum income threshold (average weekly earnings over the previous eight weeks must be at least £120 per week). Women, those in insecure work, and younger and older workers are most likely to be excluded from sick pay (TUC, 2021).

Having the ninth highest sick pay of all OECD countries for workers absent due to Covid-19 or quarantining, France offered its workers far stronger protections than their UK counterparts. All workers were entitled to 50 per cent of pay for 26 weeks (Sachs, 2020). Moreover, during the pandemic, the government extended sick pay to all workers who were ill or self-isolating with coronavirus or those unable to work because they were looking after young children at the start of the pandemic. According to a decree introduced on 25 March 2020, workers were entitled to supplementary compensation from their employer (irrespective of duration of employment), with a loosening of the reporting requirements needed to access these funds. In addition, modest households received an “exceptional solidarity assistance” payment of €150 to which €100 was added for each dependent child. Where health workers in hospitals contracted Covid, it was automatically treated as a work-related illness for which they received full sick pay benefits (Alternatives Economiques, 2020). Yet, as is the case in the UK, atypical workers in the informal economy often slipped through the net of social protection and were compelled to continue working at risk to their lives and those of their families. In the UK and France, necrolabour was composed of workers who were victims of an official negligence that denied them basic protections and exposed them to mortality risks, with the UK failing to fulfil a basic duty to protect life during the pandemic.

## **Death Statistics**

Under the exceptional circumstances of the pandemic, worker deaths that were not customarily exposed to public scrutiny became an object of epidemiological enquiry as statisticians sought to evaluate mortality inequalities across different socioeconomic groups and occupations. These statistics reveal that workers in essential jobs who continued to serve the needs of the population throughout the pandemic had the highest death rates from Covid-19. One study shows that essential workers in England and Wales had consistently higher death rates than other groups throughout 2020, while non-essential workers were likely to have experienced fewer deaths (Matz et al., 2022). Social care occupations, including care workers and home carers, had the highest death rates for both men and women. In France, hospital admissions data shows that working-age adults were one of the groups worst affected by the virus, and 37% of those hospitalised were aged between 15 and 64 (Council and Khlal, 2020). Patterns of high “excess deaths” amongst essential workers were repeated in countries across the international stage (The Lancet, 2020; Chen et al., 2021a; Rao et al., 2021).

We will see that pre-existing political differences between the UK and France in relation to employment rights and social protection meant that UK essential workers were placed at comparatively higher risk of death compared to their French counterparts. An Amnesty International study of occupational death rates during Covid-19 across 63 countries and territories showed that essential workers in the health sector had disproportionately higher death rates, and the UK’s number of deaths of health workers was among the highest in the world. The study attributes these deaths to the failure of governments to protect workers who were compelled to continue working in key sectors and jobs (Amnesty International, 2020). Worker deaths were far from inevitable, as a number of countries, mainly in Asia, had been able to manage Covid outbreaks without sustaining any healthcare worker infections at all (BMJ Opinion, 2021).

Like other pandemics throughout history, Covid-19 amplified existing health inequalities, disproportionately affecting socially disadvantaged groups, including racial and ethnic minorities and low-income populations (Mein, 2020). In the UK, statistical data on Covid deaths by occupation reveals sharp differences in socio-economic patterns affecting exposure to death when

analysed according to income and social status. Hence, men working in the lowest skilled occupations had the highest death rate and elementary workers performing routine tasks, including construction workers and cleaners, had significantly higher death rates than other occupations. Other specific occupations had noticeably higher death rates for men, including security guards, taxi drivers and chauffeurs, bus and coach drivers, chefs, sales and retail assistants, and lower skilled occupations in construction and processing plants. Conversely, death rates were lowest amongst managers and professional occupations. For women, the highest death rates were for process, plant and machine operatives (ONS, 2021). According to one study, working conditions were a determining factor in Covid-19 mortality and occupational inequality was a key risk factor in exposure to death (Nafilyan et al., 2022). On 30 April, 2020, a group of nurses blocked Westminster Bridge in London to protest against a lack of basic protective equipment to allow them to work safely, holding up a large banner stating: “We are not disposable. No one goes to work to die” (Skwawkbox, 2020). Critics argued that healthcare worker deaths had become normalised and that they were expected to move “up the line to death” as an acceptable price to pay for protecting their patients.

In France, the public authorities did not collect data on the socioeconomic or occupational status of those who died of Covid-19, reflecting a longer-term gap in data collection on the social determinants of health in the French context (Simon, 1997; Khalatbari-Soltani et al., 2020).<sup>2</sup> In the face of the unprecedented health crisis linked to Covid-19, some researchers accused the French government of a “biopolitical failure” for failing to produce reliable statistics that would reveal social and health inequalities and allow effective public policy to be put in place (Arminjon and Marion-Veyron, 2021). While there is no data on death rates by occupation, the socioeconomic and occupational patterns of Covid-19 can be gleaned from other sources. Hence hospital admissions data shows that working-age adults were one of the groups worst affected by the virus. One analysis of this data attributes these high rates to the role of low-paid workers in essential jobs who were compelled to continue going out to work during the pandemic despite the health risks. Council and Khlal (2020) show that of the 8.8 million workers who were in essential jobs prior to the pandemic, placing them in close daily proximity to others, 41 per cent were in the lowest wage quartile and included cleaners, carers and restaurant workers. Socioeconomic patterns of Covid mortality are also revealed by data on death rates per geographical area (*département*), which show that the highest number of excess deaths in the country was Seine-Saint-Denis, the most densely populated and impoverished area of Paris. While having a predominantly young population, high death rates have been linked to a working population occupying low-paid jobs including cleaning services, food production and social care, where they are most exposed to the virus (INSEE, 2022).

We have seen that UK and French workers were differentially exposed to health and mortality risks during Covid-19 as a result of pre-existing systems of employment and social protection. While comparative data on worker death rates is not collected, general data on Covid-19 deaths shows that the UK far exceeds France and other countries in terms of its excess mortality rates. An August 2022 survey of 54 European countries ranked the UK second for Covid-19 death rates and France 29<sup>th</sup> (Statista, 2022). However, in the early phases of the pandemic, the UK had one of the highest Covid death rates in the world and the highest death toll in Europe. It has since been overtaken by other countries that experienced worse winter conditions, and by May 2021, the UK had the fifth highest death rate in the world, with France having the 9<sup>th</sup> highest (*BBC News*, 2021).

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<sup>2</sup> This reflects a wider assimilationist tradition of citizenship and a hostility to any ethno-racial categorisation of the population, resulting in a longer-term lack of data on the social determinants of health (Simon, 1997).

## Conclusion

This paper has argued that Covid-19 made visible the existence of necrolabour, a stratum of workers whose labour value supersedes their right to life and who can be legitimately sacrificed in the labour process. Shaped by theoretical insights from necropolitics and labour studies, the concept of necrolabour offers a useful lens for thinking through the politics of the pandemic and for elucidating the ongoing and persistent death processes that affect precarious workers in today's "political economy of premature death" (Tyner, 2019: xi). I have argued that necrolabour is a distinctive category that differs from surplus populations who are pushed out of the production process because they are deemed to be unproductive or useless, and who are abandoned to their fate. Because necrolabour is so valuable to the economy, workers are compelled to continue working, under legal and regulatory sanction, even when it directly threatens their health and lives. Necrolabour points to death processes that operate not only at the periphery amongst the marginalised groups that inhabit Agamben's zones of encampment, but within the central category of labour itself, shaping the health and lives of millions of workers. Furthermore, these necropolitical practices are not the result of an aberration or breakdown of the political order, but are legitimised in the highest echelons of government through acts of sovereign decision-making. We have seen that necrolabour occupies a unique but contradictory status as a category of workers whose work is deemed socially valuable and essential and yet whose lives are treated as expendable and disposable.

We have seen that during the pandemic, the UK and French governments followed a similar strategy of stratifying groups of essential workers according to their labour value and obliging them to continue working at personal risk to their own lives. In France, pre-existing rights and protections defined under the Labour Code meant that French workers were less exposed to deadly harm compared with their UK counterparts and could choose not to work when ill. In the UK, the absence of decent sick pay and employment protection meant that workers were often forced to work even when ill in order to earn the means to survive. Conversely, we have seen that the "biopolitical failure" of the French government to collect data on death rates by occupation and ethnicity meant that profound social and structural differences in mortality risk were overlooked by the public authorities (Arminjon and Marion-Veyrib, 2021). I have argued that in both countries, precarious workers, including those on the lowest paid and most insecure contracts, were subject to official negligence which left them unprotected, unregulated, lacking rights and exposed to mortality risk.

In the post-Covid context, it is crucial that trade unions and other social movements mobilise not only on questions of material and social inequality, but on the profound injustice whereby specific groups of workers are exposed to a greater risk of death in the service of their jobs. The death economics that became visible during the Covid-19 period and that continues to exert structural violence against precarious workers needs to be transformed from an object of statistical enquiry into one of collective political struggle and mobilisation in order to prevent a "re-invisibilisation" of these workers. Covid-19 has made it sharply evident that the social relations between capital and labour are not limited to an exploitation of living labour and physical bodies, but include a capacity to kill in the interests of the economy. Yet neither the state nor private companies take responsibility for the deadly risks to which workers are routinely exposed. It is crucial that trade unions push for legislative changes to extend employment rights and social protections to all workers in order to reduce the risks of premature and avoidable death. At the same time, governments need to ensure that occupational health risks become a central focus of public policy, so that the visibility given to workers' deaths during the temporary "state of

exception” of Covid-19 becomes an enduring instrument to ensure the basic right to life of all workers.

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