

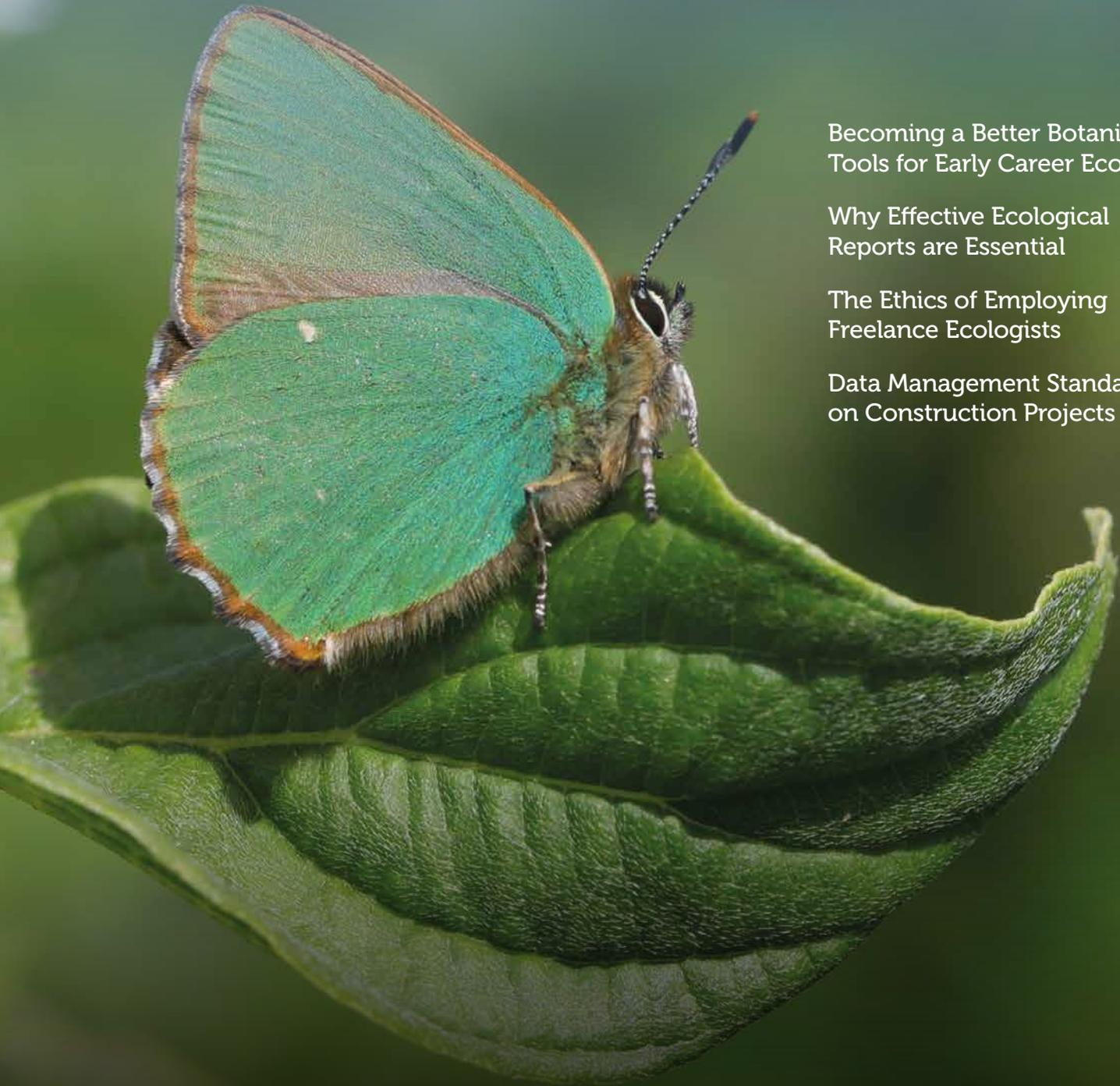


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# inpractice

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## Ethics and Standards

# A New Code of Conduct to Improve the Ethics of Employing Freelance Ecologists



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This article aims to start the conversation about creating an ethical industry where the onus on acting responsibly towards freelance staff is placed where it should be: on the employer. Increasingly in the UK, new ecologists are having to work as freelancers to break into the industry. Rather than a conscious career choice, freelancing is seen as a means to an end, to gain enough experience to perhaps one day be offered that elusive permanent contract. However, the lack of any consistent standards for payment means that exploitative situations are rife in the industry. A Code of Practice for the Employment of Freelance Staff is needed, aimed at employers to make it clear what an ethical business looks like, and which shows freelance workers what they should expect from an ethical employer.

**Keywords:** code of conduct, employers' code of practice, ethical employers, ethics, exploitation, freelance, graduates, living wage, minimum wage, seasonal work

Since I started working as an ecologist in 2002, one of the biggest changes in the industry has been the relative increase in the use of seasonal field surveyors. These seasonal surveyors are often freelance, or on short-term or zero-hours contracts, and they are often young ecologists trying to break into the industry.

This raises some serious ethical issues for those of us on the sharp end of hiring and recruitment, because a labour model which has an over-supply of people desperate to carve out a career is open to abuse. Add in the growing popularity of social media for hiring freelance staff and you have the makings of a system which is unfair and unethical.

Recent graduates often email me looking for work experience opportunities, and they usually offer to shadow me for free. However, employers should be aware that there are only a very limited set of circumstances where they don't have to pay at least minimum wage (UK Government 2013). Unless the person is (1) taking the work placement as part of a further or higher education course, (2) is school age or (3) is shadowing you and only observes what you are doing and doesn't perform any work, then they are entitled to the minimum wage. CIEEM has excellent good

practice guidance documents that cover this issue (CIEEM 2019), but in my experience these guidelines are not being adhered to by all employers.

Aside from the legalities, the ethics of unpaid work placements are at best dubious. They limit opportunities to people from certain backgrounds, namely those who can afford not to work, for example because their parents can help with living expenses and are prepared to do so. Without wishing to conflate class and race, this contributes to ecology being both a predominantly white and a predominantly middle-class profession. It therefore actively hinders organisations' efforts to increase diversity in recruitment since the candidates with more experience tend to come from those demographics that can afford to work for free. This was highlighted recently in the excellent blogs for CIEEM by Mya-Rose Craig (2019) and Liam Barker (2020), the former of whom noted that only 0.6% of environmental professionals are visible ethnic minorities, and the latter that socio-economic barriers to work are part and parcel of trying to obtain work as an ecologist. Likewise, the exploitation of graduate ecologists was also covered in the blog for CIEEM by Marcus Kohler (2020). (*Editor's note: see Marcus' follow-up to his blog on page 26 of this issue.*)

The recruitment of freelance staff is often undertaken via social media in addition to more traditional methods such as website and print adverts. Specialist groups and pages on Facebook such as British Ecologists and Nomad Ecologists are often used to recruit freelance workers for surveys at short notice. It is extremely

rare for adverts, either online or in print, to indicate the hourly rate range that will be paid, but my experience of responding to them is that the employers always know the maximum hourly rate they will pay. A 'quick and dirty' search of posts on the British Ecologists Facebook page from 2020 found 41 job adverts, nine of which stated a rate (although it should be noted two of those stating rates were posted by the author of this piece). This is clearly anecdotal rather than scientific, but it certainly serves to highlight the trend.

The major problem with not disclosing pay rates is that it allows for the exploitation of freelance staff by unethical employers. Discussion with freelancers has revealed widespread unethical practice in terms of the pay offered. One company paid £25 in total for a bat survey, while another told the freelance that they paid less for travel time than survey work. Given that while you are travelling to a site you cannot be working for someone else, it is wholly unethical to pay people less for this aspect of their work.

At the current minimum wage rate of £8.20 for 21–24-year-olds, £25 is 3.05 hours of work. Assuming 2 hours for the survey, that leaves the surveyor with just over £8 to cover travel costs and their time to get to and from site. It may (just!) be legal, but it's hardly ethical.

This race to the bottom in terms of fees has another, hidden, cost. If employers are only paying their surveyors the bare minimum, and if their payment terms are over 30 days, which is a situation I have frequently come across especially from bigger firms, then they are setting themselves up for staffing issues. If freelance staff are only making just over the minimum wage it is likely that they will take any and all work they are offered. This means that employers will have tired surveyors working on their jobs who are consequently more prone to error. This is a health and safety issue for which employers could find themselves liable if an accident occurs. How can employers expect staff to run reliable vehicles, fill them with fuel, take sensible and sufficient rest breaks, pay for continuing professional development and keep themselves healthy when they are working in an industry with at best 7 months of work out of 12 and being paid the absolute minimum?

Although CIEEM has produced excellent good working practices guidance, this is tailored to employees rather than freelance staff (CIEEM 2020), and is only accessible to CIEEM members.

So how can we, as an industry, counter this? I would suggest there needs to be a Code of Practice for the Employment of Freelance Staff, which should be tied to CIEEM's Registered Practice status. CIEEM describes Registered Practices as: *"Champions of high professional standards and the delivery of the best outcomes for biodiversity whilst supporting a thriving economy. They are ambassadors for our profession, helping to raise its profile and to communicate its valuable contribution to society. Registered Practices actively seek to share their knowledge and expertise and support others, both individuals and organisations, to do their bit for our natural world."*

(source: <https://cieem.net/i-am/registered-practices/>)

It seems logical that as Registered Practices are businesses that should set the standard and lead by example, signing up to a Code of Practice for the Employment of Freelance Staff is a natural fit for Registered Practice status. I propose that the following should be considered in such a Code of Practice:

1. A commitment to pay a minimum hourly rate of £15 per hour. This is over both the minimum wage and the real living wage (£9.50 in the UK/£10.85 in London). However, we expect graduate ecologists to have a degree and their own (reliable) transport, and to be able to carry out work to the standard required of a professional, in a job that does not keep standard 9–5 hours. Added to this, freelancers will likely only have 7 months of the year to earn money. Even if they manage to work 37 hours a week for the entire survey season, they will only earn £16,650 before tax, and they have none of the benefits of permanent employment.
2. A commitment to paying freelancers as swiftly as possible after an invoice is received, and not breaching 30 day payment terms.
3. A commitment to paying freelancers for time spent training them in new skills; it benefits your business to have high-quality surveyors.

4. A commitment to providing an hourly rate band, or salary band, on every advert, including social media posts.
5. A commitment to paying the same rate for travel time and site work time.

By signing up to these five commitments, we can normalise paying people fairly, and shine a light on the corners of the industry that don't play (or pay!) fair. It will be obvious to new graduates what they should be being paid, so they won't be as easily tempted into exploitative situations. CIEEM has made huge strides in raising the professional status of ecologists: now it's up to us as employers to commit to raising standards further, and in turn help to diversify our workforce by treating freelance staff ethically.

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## About the Author

Tilly Tilbrook MSc CECOL MCIEEM (she/her) is a Chartered Ecologist who has worked in the industry since 2002. Her background includes working for local government, Natural England and small and large environmental consultancies. She founded Integrated Ecological Solutions Ltd in 2009, partly through a desire to work more ethically. Over the past 11 years she has employed many freelance workers, and although the company now has a second director it remains a small business, so she is familiar with the pressures on freelance ecologists working alone.

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