

**From Rights to Outcomes: Evaluating the  
Institutional Conversion under the UK  
Employment Rights Bill**

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# **From Rights to Outcomes: Evaluating the Institutional Conversion under the UK Employment Rights Bill by Qinlei Wang**

## **Introduction**

In recent years, UK labour policy has shifted towards an institutional reform of labour rights, shaped by post-pandemic labour market restructuring, persistent employment insecurity, and the Labour Party's policy commitments to labour protection and workplace justice. Within this context, the Employment Rights Bill (2024–25) constitutes the most comprehensive reform to the UK's labour protection system in the past decade. Its main goals are to promote workplace equity and to hold employers accountable for ensuring fairness (UK Parliament, 2024). However, legal provisions alone do not guarantee material change, especially for persistent disability-related inequalities. Despite the UK's relatively well-developed antidiscrimination legislations, disabled workers continue to face systematic disadvantage in employment participation, pay outcomes, and career progression (ONS, 2024). A central policy question therefore concerns the translation ability of existing labour legislation from formal rights into substantive equality for disabled employees.

Researching how disability is affected by the obligations within public sector organizations is particularly relevant, especially around higher education sector which is seen as one of such institutions. This paper therefore adopts King's College London (KCL) as an illustrative implementation site to examine the role of institutional structures in the policy translation process. It asks to what extent can the Employment Rights Bill, examined through KCL as an illustrative implementation site, deliver substantive equality for disabled workers? The next sections outline the principal features of the Bill and situate them within the state of the British labour market in the areas of employment and disability.

## **Policy Background**

The Employment Rights Bill introduces several amendments to modernize workplace protection in the UK and strengthen employer responsibilities for labour equality. Key provisions relevant to disabled employees include reaffirming employers' justice obligations,

establishing day-one employment rights, expanding flexible working options, and reforming Statutory Sick Pay (UK Parliament, 2024). However, parliamentary reports indicate uncertainty in implementation, with weak enforcement mechanisms and limited public visibility of disability-related data deferred to secondary legislation. National statistics continue to reveal persistent inequalities: in 2025, the employment rate for disabled people was 52.8% compared with 82.5% for non-disabled workers—a gap of nearly 30 percentage points (DWP, 2025). Pay outcomes reflect similar disparities, with disabled employees earning 12.7% less per hour on average (ONS, 2024). These enduring gaps demonstrate that anti-discrimination and labour protection frameworks have not yet translated into substantive equality. Although the UK publishes regular reports on employment and pay differences, the lack of systematic monitoring of promotion and long-term career development constrains effective evaluation and accountability (Institute for Government, 2023).

National guidance further exposes weaknesses in implementation. ACAS (2024) observes that reasonable adjustments are applied unevenly and depend largely on individual disclosure instead of proactive employer action. This individualised model limits institutions' capacity to translate formal rights into stable employment and sustained career growth. King's College London (KCL) provides a useful example for examining the bill's practical application.

While the university has developed a comprehensive disability inclusion framework, its Equality, Diversity and Inclusion (EDI) report discloses only overall disability data and leaves out details on pay or advancement data (King's College London, 2024). This reflects a broader weakness in the UK's equality governance, where monitoring of progression remains inadequate (Mabbett, 2005). The gap between institutional design and measurable outcomes thus frames this paper's assessment of the Employment Rights Bill's capacity to achieve substantive equity in practice.

### **Analytical Framework**

To evaluate the potential policy effects of the bill, this paper adopts an outcome-oriented framework grounded in Sen's (1999) capability approach. The approach moves beyond the legal recognition of rights and focuses on people's actual freedoms in everyday contexts, helping reveal how legislative commitments are carried out or restricted by institutional conditions. It is both descriptive and normatively oriented, relating to the way of institutional conditions that develop people's ability to achieve actual functions of the reforms. Hence, it becomes particularly well-suited to policy evaluation by foregrounding the conversion process between formal rights and actual outcomes. A central insight of the

capability approach is that whether individuals can translate rights into actual achievements depends on multiple conversion factors, which are manifested in adjustment procedures and managerial practices in this context (Robeyns, 2017). Furthermore, the approach places emphasis on *functionings*, understood as the states or achievements people realise in practice.

This approach is used here as a policy evaluation tool to assess whether the bill's legislative reforms provide the conditions necessary for operation, which proceeds across three interrelated analytical dimensions. To begin with, the paper investigates the extent to which the bill broadens the legal capability of disabled workers by initiating or fortifying particular rights. It then evaluates the organizational capacity for transformation and investigates if the existing arrangements of the institutions are capable of transmuting the formal rights into the actual support. KCL is therefore employed as an illustrative implementation site to analyse the institutional constraints faced by large public-sector employers. Finally, the analysis turns to achieved *functionings*, examining institutional arrangements in supporting substantive improvements in employment stability, career development, and participation for disabled workers. Therefore, this framework allows the paper to identify specific institutional mechanisms through which policy intentions may fail to translate into substantive equality. Also, it establishes definite evaluative margins, thus, the analysis is purely concerned with the influence of policy design and institutional condition on the potential outcome and not the direct assessment of personal work experiences.

## **Analysis**

### ***Formal Expansion***

The core contribution of the bill lies in its expansion of access to flexibility and early-stage employment protections to address structural vulnerabilities faced by disabled workers. Briefings by the House of Commons Library highlight the bill's emphasis on flexible working and sickness absence provisions, a policy orientation that is empirically well grounded (EHRC, 2023). Nevertheless, it has been reported consistently through various studies that the disabled workers are exposed to strict work schedule arrangements and job insecurity, despite accessing flexibility and early-stage employment protections often constitutes key condition for sustaining employment (Schur et al., 2020). Within the capability approach, the degree legal rights can be translated into concrete capabilities is contingent upon the clarity of the implementation pathways and the actual institutional regulation. From a legislative design perspective, the bill relies on the subsequent specification of rules and implementation details across several key areas, which are neglected to the bill. This is a sign of the spatial legal abstraction and spatial legal realization of the legislation. When the

measures for the enforcement of rules and the requirements for compliance are created in stages by the delegated legislation, it is more often that the opportunity expansion serves as a normative commitment than as an actionable capability resource (UK Parliament, 2024; GOV.UK, 2024). The amount of the bill's potential effect on the capabilities available to people with disabilities is thus a reflection of the conditions later turning into the reality, and the presence of the enforcement governing system.

### ***Institutional Conversion***

The capability approach also emphasises that the translation of legal rights into real opportunities is mediated by organisational-level conversion factors, including institutional procedures, managerial practices, and access to support resources (Sen, 1999). Institutional documentation at KCL indicates the existence of structured disability support and inclusion arrangements, alongside annual EDI data reporting that monitors employee disability status to a limited extent (King's College London, n.d.). The critical issue for conversion capacity, however, is not the existence of procedures, but whether those procedures lower access barriers and minimise reliance on individual risk-bearing. In practice, disclosure frequently functions as the trigger for adjustment and support obligations (ACAS, 2023), structuring access to support around a disclosure–request–approval sequence. The disclosure-dependent arrangements which the disabled workers facing stigma risks or unpredictable conditions may turn to can largely operate in this manner, thus reducing the support accessibility markedly and undermining the stable transformation of legal rights into the practical ability of the individuals. In this respect, disclosure-based adjustment systems can form a structural blockage in the process of conversion.

### ***Achieved Outcomes***

Finally, focus of policy evaluation lies in achieved functionings, whether disabled workers are able to realise observable improvements in employment stability, income returns, and career progression (Sen, 1999). Labour market data at the national level show that the outcome differences are still significant, e.g., people with disabilities and people without disabilities have an employment rate gap of almost 30 percentage points, and the hourly pay of disabled workers is 12.7% less than that of non-disabled ones (DWP, 2025; ONS, 2023). These patterns contradict the belief that strictly stated legal rights are enough to achieve actual equality, thus helping us to come to the rights-conversion-outcomes relationship. EDI annual report of KCL helps to identify the main institutional barrier to outcome evaluation. Despite the fact that the reports include information about the overall staff disability representation, they do not provide data on the disability-related pay gaps or career progression and

development outcomes (King's College London, 2024). The absence of clearly defined outcome indicators has resulted in organizations grappling with the issue of determining whether their policies for equality and diversity promote professional development or merely align with other organizations or perhaps even be viewed in that manner. This shortcoming demonstrates the structural strife existing in the equality governance framework of the UK, where the monitoring of outcome-based equality in particular reference to progression and career development is cyfractioned across policy domains, which in turn reduces visibility and governability of the employment inequalities

(Mabbett, 2005). The uncertainty about the enforcement architecture of the bill widens this risk. Where compliance monitoring and the assignment of responsibility are contingent upon the subsequent operational routes, organizations might resort to procedural compliance rather than tangible outcome achievement that is demonstrable. The capability approach reverse the situation by looking at the whole chain of the rights, the conditions for conversion and the outcomes, thus allowing the policy risks to be formulated as specific mechanisms like lack of enforceability, high conversion thresholds, and absence of outcome indicators, rather than a problem of general implementation.

### **Policy Recommendations**

Building on the capability-based analysis above, this article suggests three policy measures that are aimed at limiting the aforementioned constraints; namely, enforcement, institutional conversion, and outcome visibility that, at present, decrease the power of the Employment Rights Bill to deliver true equality.

#### ***Enforcement and Accountability***

If the measure aims at turning formal opportunities into obtainable capabilities, it needs to be fortified by clearer mechanisms for enforcement and accountability, especially in light of its heavy reliance on secondary legislation for key points of implementation. As the analysis above has pointed out, this design choice is fraught with the risk of diminishing the enforceability of the rights and causing the employers to be more uncertain in their interpretation and fulfilment of the obligations. In situations where the paths to enforcement are less obvious, formal rights are more likely to be just a nominal commitment. An opposite institutional mode of operation can be noticed in the Netherlands, where the Participation Act (Participatiewet) leaves unequivocal responsibilities to employers in respect of hiring employees with disabilities and provides them with wage subsidies and support of employer organisations (Business.gov.nl, 2025). This framework focuses on clarifying the responsibilities and embedding support mechanisms rather than relying on voluntarily actions

by employers, thus making the rights conversion institutional predictability much stronger. For the UK, improving enforcement and accountability requires a well-designed legislation that is clearer about how the employers can fulfill their equality obligations by working under conditions of well-defined stability and transparency.

### *Adjustment Models*

Furthermore, both policy design and organizational practices should disregard the conventional individualistic approach and rather, take on adaptive and pre-emptive proactive measures. The analysis indicates that the organizations that have indeed institutional resources, however, depend on the route of disclosure to involve themselves with adjustment mechanisms which to some extent are not the enabling avenue for the realization of rights as capabilities.

Such plans undermine the individuals' efforts and make them responsible for the costs incurred by the organization and consequently, it appears as if there is a contest between disability accommodation and potential career challenges. Research affirms that disclosure is not an act without consequences, but rather one that could negatively influence the career path, showing that employees with chronic illness or disability often delay or avoid disclosure because of stigma or constrained promotion prospects considerations (CRAC, 2020). Under these conditions, institutional arrangements that trigger support primarily through disclosure systematically suppress the actual uptake of adjustments. By contrast, treating workplace adjustments as a routine employer responsibility rather than an exceptional response to individual requests can lower conversion thresholds and increase the likelihood that formal rights translate into stable capabilities, particularly for fluctuating or less visible disabilities.

### *Outcome Visibility*

To bridge the gap between formal rights and substantive outcomes, the bill should be complemented by clearer requirements for outcome-oriented disclosure, given the limited monitoring of progression and long-term employment trajectories within the current UK disability employment governance framework. This absence of outcome-level data constrains the evaluation of policy effectiveness and weakens ongoing accountability for employers' equality obligations. Comparative experience highlights the importance of embedding outcome visibility within governance structures. In Sweden, disability policy extends beyond employment participation to encompass long-term monitoring and support mechanisms that track employment stability and social inclusion outcomes (Government Offices of Sweden, 2017; European Commission, 2022). This approach demonstrates that outcome-oriented data collection is a core component of accountability, cross-organisational comparison, and policy

learning over time. For the UK context, introducing proportionate and carefully designed disability-related outcome indicators such as progression, retention, or pay development would help shift equality obligations from procedural compliance towards substantive effect. This does not require a direct replication of the gender pay gap reporting model, but rather a tailored disclosure framework that reflects the specific characteristics of disability-related disadvantage while enabling more robust evaluation of whether legal rights translate into durable employment outcomes.

### **Conclusion**

This article evaluates the policy potential of the UK Employment Rights Bill in advancing substantive equality for disabled workers through the lens of the capability approach, using King's College London as an illustrative implementation site. The findings indicate that the bill formally widens opportunities for disabled workers, but its impact on achieving real equality in everyday practice remains constrained. This limitation stems mainly from how rights are enforced, how they are applied within organisations, and how outcomes are monitored and assessed.

From an institutional perspective, the article identifies three interrelated structural risks. First, reliance on delegated legislation for key implementation details weakens enforceability and raises the threshold for translating legal rights into effective capabilities. Second, the widespread prevalence of disclosure-dependent adjustment mechanisms in organisational practice further increases the barriers to rights conversion. Third, the systematic absence of outcome-based indicators in disability employment governance limits the capacity for ongoing monitoring and accountability regarding the fulfilment of equality obligations. These factors constitute an institutional disconnect between legal rights and substantive equality.

The contribution of this article lies in its use of the capability approach to shift policy evaluation away from the question of whether rights formally exist, towards an analysis of how rights are institutionally converted and whether they generate observable outcomes. The policy recommendations respond directly to the identified institutional constraints, pointing to improvements at the levels of enforcement, conversion, and outcomes. By specifying policy risks through enforceability, conversion thresholds, and outcome observability, this article offers an operational evaluative pathway for understanding and advancing substantive equality for disabled workers.

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