

FAIR WORK FRAMEWORK 2016



FAIR WORK
CONVENTION

CONTENTS

INTRODUCTION	4
THE FAIR WORK FRAMEWORK	6
THE FAIR WORK DIMENSIONS	
EFFECTIVE VOICE	10
OPPORTUNITY	12
SECURITY	14
FULFILMENT	16
RESPECT	18
THE FRAMEWORK: ESTABLISHING A BASELINE AND MOVING FORWARD	20
A MOVEMENT FOR FAIR WORK	22
RECOMMENDATION	24
CLOSING REMARKS	28
ANNEX A: ENDNOTES	30

INTRODUCTION

The Fair Work Convention was established in 2015 following a recommendation of the Working Together Review¹. Our remit is to drive forward fair work in Scotland and our agenda is aspirational – it is about fair work becoming a hallmark of Scotland’s workplaces and economy.

An aspirational agenda requires a vision. **Our vision is that, by 2025, people in Scotland will have a world-leading working life where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society.**

This Fair Work Framework sets out what we mean by fair work, why it is important, who can play a part in making Scotland a world leading nation in fair work and how this might be achieved. It also acknowledges that, given the broader economic context, there are challenges along the way. In writing this Framework, we have drawn on existing research, examples of good practice and the wide ranging conversations we have had with stakeholders over the last year – which have highlighted arrangements and practices that benefit workersⁱ and businesses and very different examples of insecure or exploitative work that impact negatively on health, well-being and family life. We have seen and heard evidence that fair work can deliver clear benefits for individuals alongside higher productivity, performance and innovation for employers.

We believe that **fair work is work that offers effective voice, opportunity, security, fulfilment and respect; that balances the rights and responsibilities of employers and workers and that can generate benefits for individuals, organisations and society.**

Our aim is for this Framework to be used by everyone in the workplace to guide practice: to help improve understanding of fair work, benchmark existing practice and identify areas where improvement can be made. This requires real leadership in the workplace at the highest and at every level. For the many organisations and stakeholders beyond the workplace but involved in the wider work and employment landscape, we hope that this Framework will also be used to guide their activities in supporting the delivery of fair work in Scotland.

There are many different types of workplaces in Scotland and there is no simple connection between workplace type and fair work practices. Good and

¹ We use the term ‘worker/s’ rather than ‘employee/s’ throughout this document as the most inclusive term for those in employment **and** for those who work, but not under a contract of employment. The term ‘worker’ includes all workers and employees at every occupational level but excludes the self-employed, except where specifically identified.

poor practices exist in workplaces without unions and where unions are present. As a Convention, we accept macro-level national and international evidence that many of the important dimensions of fair work are more prevalent in unionised workplaces. We also accept that most employees in Scotland are not union members. The challenge for everyone is how to support good practice and eliminate poor practice. In this document, we have offered suggestions that relate to both unionised and non-unionised workplaces. We have been impressed by the interest in, and anticipation of, this Framework and hope that we have delivered a useful way of thinking about fair work that can make a significant impact in and across all types of workplace in Scotland.

This document sets out our Fair Work Framework in brief. The full Framework document provides a more extensive account of the resources we drew on in designing the Framework: the background and context of the Fair Work Agenda in Scotland, existing evidence on work and employment practices, stakeholder views expressed during our consultation and practical examples of how to improve fair work.

The full Framework document is available on our website **www.fairworkconvention.scot**

We acknowledge that this Framework is only a beginning – the start of a decade long journey towards fairer work, a journey that we believe will reap rewards for everyone who is, or who wants to be, involved in the world of work. We have been heartened by the enthusiasm that we have come across and we will do all that we are able to harness that enthusiasm to our overarching purpose – to make Scotland a fair work nation. We invite everyone to rise to this challenge and to embrace the opportunity which fair work offers.



THE FAIR WORK FRAMEWORK

THE VISION AND FRAMEWORK FOR FAIR WORK IN SCOTLAND

THE VISION

By 2025, people in Scotland will have a world-leading working life where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and for society.

DEFINING FAIR WORK

Fair work is work that offers **effective voice, opportunity, security, fulfilment and respect**; that balances the rights and responsibilities of employers and workers and that can generate benefits for individuals, organisations and society.

UNDERSTANDING FAIR WORK AND ITS POTENTIAL

Many people agree that work should be fair, and that fair work should be available to everyone no matter who they are. It isn't easy, however, to define fairness, and defining fairness subjectively – as something that is different for everyone – doesn't help to shape good practice or to inform policy-making.

We have drawn on international debates and research to define fairness in a way that is relevant for everyone in work, a way that can be applied across different jobs, employers, industries and sectors and that can be measured and improved on. We have drawn heavily on academic research particularly on job quality², on trade union impact, on workplaceⁱⁱ relationships and practices

ii Throughout this report we use the term 'workplace' to include both a discrete place of work (an office or a factory, for example) **and** any location where people carry out work (for example, delivering care services in someone's home).

that support job quality and on the importance of co-operation. We have also identified international examples where high productivity, more inclusive labour markets and greater equality co-exist, often supported by strong embedded partnership arrangements.

Based on the evidence of 'what works' and through our discussions with stakeholders, we have defined fair work through five dimensions: effective voice, opportunity, security, fulfilment and respect. These dimensions cover the scope of workers to 'have a say' and to influence and change practices, how people can access and progress in work, the employment conditions they experience, the work that people do and how people are treated at work.

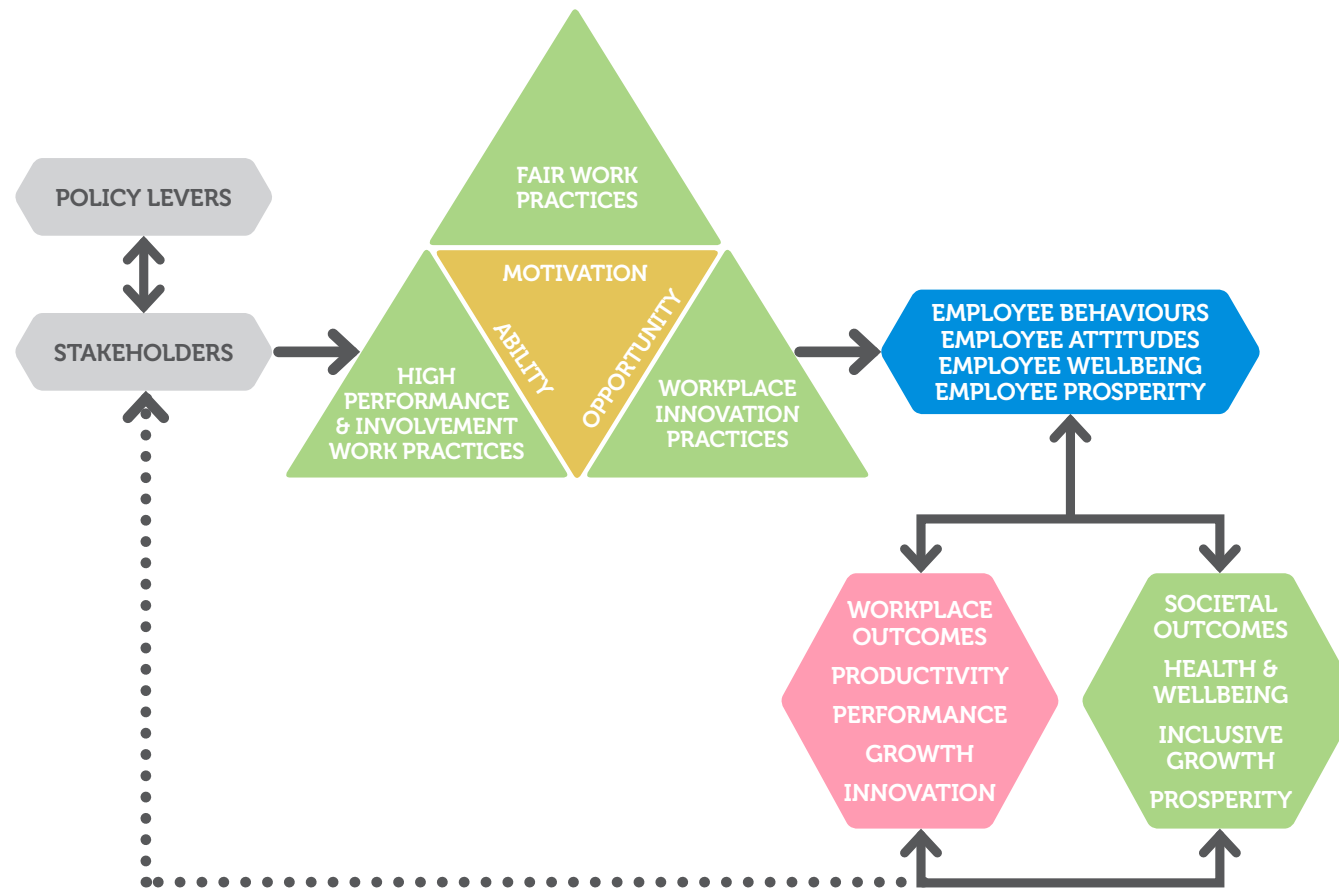
These five dimensions are important for two reasons:

- National and international research identifies good practice within each of the dimensions that can create positive outcomes for workers, employers and for society.
- Taken together, these dimensions have significant synergies. The dimensions can reinforce each other, creating a virtuous circle of practices, behaviours, attitudes and outcomes.

The model overleaf, developed by researchers at the Scottish Centre for Employment Research at the University of Strathclyde, captures how fair work is a crucial component in delivering high performing and innovative workplaces where workers and employers share the benefits of productive and innovative work, creating the potential for transformation towards inclusive economic growth for society as a whole.



THE FAIR, INNOVATIVE AND TRANSFORMATIVE (FITWORK) MODEL ³



Fair, innovative & transformative work
The FITwork Project

Scottish Centre for Employment Research

The FITwork model summarises how fair work is a crucial ingredient in supporting the types of worker behaviours and attitudes that can create positive outcomes for individuals, employers and society. High performance work practices aim to generate the best business outcomes from worker talents and abilities, while workplace innovation practices create the space in which worker contribution can make a positive difference. Fair work overlaps with both types of practice but addresses the important question of why workers should and do invest more of themselves in work. By creating the conditions in which workers' skills and abilities are supported and developed, by promoting opportunities for skills and abilities to be deployed and by creating the motivation for workers to take up those opportunities, fair work as outlined here facilitates the discretionary efforts of workers that underpin high productivity, performance and innovation – all of which can contribute to healthier, wealthier and more inclusive societies.⁴

Fair work is consistent with business and economic success and the Fair Work Agenda represents an investment in Scotland's people, businesses, organisations, economic prosperity and social wellbeing. Fair work is not simply about a different distribution of the rewards from work – although this is important. It is about improving business and organisational outcomes so that there are more rewards to be shared. We know that poor quality work is more common in countries with lower levels of GDP per capita.⁵

Trade unions have a crucial role to play both in distributing the 'returns' from work **and** in contributing to making workplaces more effective and prosperous for all.

In the pages that follow we outline the five dimensions of fair work that comprise our Framework. We outline what each dimension means, and how delivering fairness in each dimension can benefit employers, workers and society. We give a brief summary of what people have told us over the last year about each dimension. We then offer some ideas as to how fairness in each dimension might be achieved. These ideas are not exhaustive but illustrative of some of the practical actions that might be taken to improve fairness at work.

There is much overlap between the dimensions, but we have focused on them discretely in order to provide a lens through which employers can evaluate their own approach and practices, workers and their representatives can evaluate their own experience of work, and both can work together to identify areas where fairness might be enhanced. We also note some cross-cutting themes that are relevant across all of the dimensions of fair work and conclude with our key recommendation and our thoughts on who might help us deliver fair work, how they might do so and what may be the key levers of change.

THE FAIR WORK DIMENSIONS



EFFECTIVE VOICE

Effective voice is much more than just having a channel of communication available within workplaces. Effective voice requires a safe environment where dialogue and challenge are dealt with constructively and where workers' views are sought out, listened to and can make a difference. Collective bargaining can provide the context for effective voice in unionised workplaces and sectors.

Dialogue and structure for consulting and negotiating is key to understanding and defining fair arrangements between employers and workers and therefore opportunities for effective voice are central to fair work and underpin – and can help deliver – other dimensions of fair work.

The ability to speak and to be listened to is closely linked to the development of respectful and reciprocal workplace relationships. Voice is a legitimate aspiration of workers who have an interest, individually and collectively (for example, through a union), in everything that an employer does. It is clear from international evidence that workers want a voice not only to resolve problems and conflicts (which is important) but also to engage and participate constructively in organisations. Voice can improve the experience of work as well as improving organisational performance.

Supportive practices for effective voice include trade union recognition and collective bargaining; task-level and organisation-level involvement and participation practices; communication and consultation arrangements and any processes that give scope to individuals and groups to air their views, be listened to and influence outcomes.

What people told us

Effective voice requires leadership and support from employers, workers and unions. Voice is effective where workers have scope to say what they feel, are listened to and where their voice can make a difference. Workers in unionised firms were more likely to point to these characteristics of voice in their workplaces. This is consistent with wider research evidence that suggests that effective voice is most likely where unions are present, and where management and union representatives have the orientation, capability and capacity to communicate, influence and negotiate. Many workers who spoke to us raised concerns that the current Trade Union Bill would reduce effective voice and perceived it as inconsistent with the aims and ambition of the Convention's Fair Work Framework.

How to improve effective voice at work

- Adopt behaviours, practices and a culture that support effective voice and embed this at all levels – this requires openness, transparency, dialogue and tolerance of different viewpoints.
- Effective voice requires structures – formal and informal – through which real dialogue – individual and collective – can take place.
- More extensive union recognition and collective bargaining at workplace and sector level could address areas where worker voice is absent in Scottish workplaces.
- The ability to exercise voice effectively should be supported as a key competence of managers, other workers and union representatives.
- Demonstrate the effectiveness of voice channels and their influence.

VOICE CAN IMPROVE THE EXPERIENCE OF WORK AS WELL AS IMPROVING ORGANISATIONAL PERFORMANCE.

THE FAIR WORK DIMENSIONS



OPPORTUNITY

Opportunity allows people to access and progress in work and employment and is a crucial dimension of fair work. Meeting legal obligations by ensuring equal access to work and equal opportunities in work sets a minimum floor for fair work. This protects workers in those groups subject to specific legal protections on the grounds of sex, sexual orientation, race and ethnicity, age and disability.

Fair opportunity is, however, more than the chance to access work. Attitudes, behaviours, policies and practices within organisations – and, crucially, the outcomes these produce – signal and reflect the value placed on fair opportunity. Being proactive in ensuring opportunity for all can highlight current practice, signal areas of change and intervention, and produce a range of benefits for workers and employers.

Fair opportunity can be supported in a variety of different ways: through robust recruitment and selection procedures; paid internship arrangements equally open to all; training and development to support access to work for all; promotion and progression practices that are open and equally attainable by all, irrespective of personal and demographic characteristics.

What people told us

Individuals and organisations who communicated with the Convention highlighted barriers to opportunity prior to the workplace (for example, in access to apprenticeships and training that lead to employment); during recruitment and selection processes; and ongoing issues within the workplace (such as pay inequality and lack of progression opportunities), all of which can particularly disadvantage certain groups of workers such as women, the young, black and minority ethnic workers, those with disabilities and those with low or no qualifications. Concerns were raised over how some groups found accessing the labour market much more challenging and were offered little support for their distinctive needs. Concerns were also raised about negative stereotyping of younger and older people in particular.

How to improve fair opportunity at work

- Investigate and interrogate the workforce profile in your organisation and sector, identify where any barriers to opportunity arise and address these creatively.
- Adopt a life stage approach that helps workers at all ages maximise their contribution.
- Engage with diverse and local communities.
- Use buddying and mentoring to support new workers and those with distinctive needs.
- Undertake equalities profiling in the provision of training and development activities and in career progression procedures and outcomes.
- Invest in and utilise the skills and knowledge of union equality, learning and other workplace representatives.

FAIR OPPORTUNITY IS, HOWEVER, MORE THAN THE CHANCE TO ACCESS WORK. ATTITUDES, BEHAVIOURS, POLICIES AND PRACTICES WITHIN ORGANISATIONS – AND, CRUCIALLY, THE OUTCOMES THESE PRODUCE – SIGNAL AND REFLECT THE VALUE PLACED ON FAIR OPPORTUNITY.

THE FAIR WORK DIMENSIONS



SECURITY

Security of employment, work and income are important foundations of a successful life. Predictability of working time is often a component of secure working arrangements. While no one has complete security and stability of employment, income and work, security remains an important aspect of fair work. Context and competitive conditions impact significantly on prospects for security, but fair work is not work where the burden of insecurity and risk rests primarily on workers.

Security as a dimension of fair work can be supported in a variety of ways: by building stability into contractual arrangements; by having collective arrangements for pay and conditions; paying at least the Living Wage (as established by the Living Wage Foundation); giving opportunities for hours of work that can align with family life and caring commitments; employment security agreements; fair opportunities for pay progression; sick pay and pension arrangements. In the context of increasing global competition, pursuing higher value business models instead of competing solely on cost can help employers to provide security in work and employment.

What people told us

Of all of the issues raised by individuals and organisations who communicated with the Fair Work Convention, decent pay and secure employment were considered the most important and were the most frequently cited. This mirrors recent research carried out by the Scottish Parliament⁶ and Oxfam⁷ among others. Certain groups in Scotland – women, young people, BME workers and disabled workers – are worse off than others when it comes to pay and employment security. Concerns were also raised about how insecure forms of employment interacted with the welfare system in undermining income security. Transparency in approaches to pay and in addressing pay disparities were also advocated. There was an appetite for the abolition of recently introduced employment tribunal fees which disadvantage the low paid in particular in accessing justice and redress through this traditional route.

We were informed of the challenges facing employers in some sectors in addressing fair pay when resources are scarce and where markets or commissioning arrangements are beyond employer influence or control. Yet we also heard examples of the benefits for employers as well as workers of eliminating low pay.

How to improve security at work

- Ensure and support widespread awareness and understanding of employment rights.
- Contractual stability should be a core employer objective. Forms of flexible working where the burden of risk falls disproportionately on workers (including most zero hours contracts) are not fair work.
- All workers should be paid at least the Living Wage as calculated by the Living Wage Foundation.
- Agreement making between employers and workers, including collective bargaining in unionised establishments and sectors, promotes stability and perceptions of security and should be supported.
- Pay transparency and defensibility should be a core organisational objective.

SECURITY OF EMPLOYMENT, WORK AND INCOME ARE IMPORTANT FOUNDATIONS OF A SUCCESSFUL LIFE.

THE FAIR WORK DIMENSIONS



FULFILMENT

For many people, work is a fulfilling part of their life. Workers benefit from engaging in fulfilling work in terms of using and developing their skills; having some control over their work and scope to make a difference; taking part in appropriately challenging work and taking up opportunities for personal growth and career advancement. Workers who are fulfilled in their jobs are more likely to be engaged, committed and healthy. Fulfilling work contributes to confidence and self-belief.

Providing fulfilling work can also benefit employers. Work that is fulfilling allows workers to produce high quality goods and services and is more likely to unleash creativity that supports improvements. Indicators of fulfilling work are associated with higher productivity and innovation in more successful comparator EU countries.

Fulfilling work that gets the best out of people helps to more fully realise the investment society makes in education, learning and training. Ensuring that people have access to work that is as fulfilling as it is capable of being is an important aspiration of the Fair Work Agenda. Fulfilment at work will mean different things to different people, but all types of work at all levels can be more fulfilling where the tasks, work environment and employment conditions are aligned to the skills, talents and aspirations of the people who carry it out.

Fulfilment as a dimension of fair work can be supported in a variety of ways: through forms of job design and work organisation that focus on effective skills use, autonomy, opportunities to problem solve and to make a difference, investment in learning and personal development and career advancement.

What people told us

It was widely accepted that fulfilment is a key factor in both individual and organisational wellbeing. This included the opportunity to use one's skills, to be able to influence work and have some control and to have access to training and development. Concerns were raised over excessive workloads and targets, lack of access to training and development and the difficulties in matching changing capabilities over the life course to the demands of work. We heard extensive evidence of the positive impact made by union-led learning activity, and the Scottish Union Learning Development and Learning Funds, in creating opportunities for workforce and organisational development.

How to improve fulfilment at work

- Build fulfilment at work explicitly into job design.
- Create an authorising culture where people can make appropriate decisions and make a difference.
- Invest in training, learning and skills development for current and future jobs. Where available, utilise the skills and expertise of union learning representatives and the resources available through Scottish Union Learning.
- Expectations of performance must be realistic and achievable without negative impact on wellbeing.
- Clear and transparent criteria and opportunities for career progression, as well as opportunities for personal development, should be a feature of all work.

WORKERS WHO ARE FULFILLED IN THEIR JOBS ARE MORE LIKELY TO BE ENGAGED, COMMITTED AND HEALTHY.

THE FAIR WORK DIMENSIONS



RESPECT

Fair work is work in which people are respected and treated respectfully, whatever their role and status. Respect involves recognising others as dignified human beings and recognising their standing and personal worth. Respect at work is a two-way process between employers and workers and is valued for recognising the reciprocity of the employment relationship.

At its most basic, respect involves ensuring the health, safety and wellbeing of others. Mutual respect is an important aspect of everyday social exchange and is a crucial element of relationships in the workplace where a significant proportion of life is spent. Crucially, mutual respect involves recognising the views, autonomy, status and contribution of others.

Many discussions of respect and the related concept of dignity at work focus narrowly on issues relating to bullying and harassment. Respect as a dimension of fair work includes and goes beyond this to include dignified treatment, social support and the development of trusting relationships. It means being open, mutually accountable, transparent and responsive to the concerns of others.

Respect as a dimension of fair work can be supported in a wide variety of ways: through established procedural and collective bargaining arrangements with unions; through health, safety and wellbeing policies and practices; through organisational policies and practices on dignity at work; adoption and genuine engagement with respect as a key organisational value; communication; training; managerial and supervisory approaches; and approaches to conflict resolution.

A sense of fulfilment at work impacts positively on individual health and happiness, contributes to organisational health, and in doing so, benefits the economy and society as a whole.

What people told us

It was widely accepted that everyone is entitled to be treated with respect, that everyone needs to feel valued and that value is not simply a reflection of pay or status. In our conversations, many people identified disconnect between formal policies on respect and their own experience. We heard evidence of abuses of power that were inconsistent with respectful work and we were given examples of how, for example, young workers organised collectively with their union to challenge disrespectful practices and behaviours. Open communications can address this disconnect by conveying clear reciprocal expectations of how people should treat and be treated. Respect issues were not, however, simply interpersonal; many arose from excessive work pressures and demands.

FAIR WORK IS WORK IN WHICH PEOPLE ARE RESPECTED AND TREATED RESPECTFULLY, WHATEVER THEIR ROLE AND STATUS. RESPECT AT WORK IS A TWO-WAY PROCESS BETWEEN EMPLOYERS AND WORKERS.

How to improve respect at work

- Respecting others is everybody's business. A culture of respect requires that behaviours, attitudes, policies and practices that support health, safety and wellbeing are consistently understood and applied.
- Be explicit about respect as an organisational value and a guide to practice, and start a dialogue around respect as it is experienced in your own organisation.
- Agree clear expectations of behaviour, conduct and treatment and encourage the involvement of everyone to improve respectful behaviours.
- Respect for workers' personal and family lives requires access to practices that allow the balancing of work and family life.
- Re-framing conflict can enhance respect in an organisation – think about differing views as potentially productive and creative. Ensure that interpersonal relationships and internal procedures exist to manage conflict in a constructive way.
- Union expertise and networks on health and safety, for example, are a valuable resource, the use of which should be developed, supported and maximised.

THE FRAMEWORK: ESTABLISHING A BASELINE AND MOVING FORWARD

For each of these dimensions, the Fair Work Convention has set out the benefits to be derived from fairness; some supporting evidence (from Scotland where it exists and from the UK where data for Scotland is not available); what people told us about their experiences in Scotland's workplaces; some suggestions as to how to deliver fair work; and examples of good practice.

It is also important to bear in mind some themes that span all of the fair work dimensions: the challenge of multiple disadvantage facing some groups of workers; the range and variety of workplace forms to which fair work must be relevant; the applicability of the Fair Work Agenda across sectors, industries and workplaces of all sizes; the importance of leadership and management commitment to fair work; and the importance of civic Scotland – and of consumers in particular – in shaping fair work along with employers, workers and unions. Crucially, the process of enhancing fair work in Scotland requires co-operation within and outwith the workplace by a broad group of stakeholders with a shared interest in the potential of fair work.

Current data for Scotland tells us something about where we are and provides us with a baseline position from which to track the development of fair work in each of the five dimensions. Beyond this baseline, fair work can be seen as a trajectory or journey of improvement for employers and workers. Businesses and other organisations are currently at different stages of a fair work journey.

The Convention has three important roles in this journey. First, to identify what levers and supports can help in moving from aspiration to outcome. Second, to use our convening role to bring together employers, workers, unions and others involved in work and to support them in new forms of dialogue that can help us progress towards fairer work. Third, to track progress, not just at national level but also for sectors as well as for specific groups of workers. Encouraging and supporting progress towards each and all of the dimensions of fair work outlined in this Framework would generate a step change in workplace practice across Scotland.

A MOVEMENT FOR FAIR WORK

An aspiration towards fair work was commonly held across the many stakeholders that we met. There was broad agreement on what fairness means and the values (individual and organisational) that support fairness, such as honesty, transparency and trust. Fairness was considered important for workers and employers at every stage from entry into employment until exit into retirement. No one with whom we spoke disagreed that fair work was an important priority for Scotland, and many of the people and organisations we spoke to supported an ambitious fair work agenda. It was also widely accepted across all stakeholder groups, including employers and their organisations, that fair work could deliver significant benefits, notably in relation to retention, motivation, productivity, profitability, health and wellbeing and national economic performance.

Delivering fair work is at the core of the activities of trade unions and we encountered many examples where workers' experience of fair work was a direct consequence of trade union organisation and action. Many examples were also highlighted to us of employers engaged in fair work across Scotland. For some, fair work was a business necessity due to the nature of the business or to skill shortages and the need to attract talent. For others, fair work represented an ethical choice as well as a business choice – the right thing to do. This is also reflected in the New Policy Institute's recent analysis of employers who had adopted the Living Wage.⁸ There are opportunities to learn from all of these organisations.

It was also recognised, however, that there are wide variations in practice in relation to fair work, and that the pattern and composition of 'unfair' work varied across sectors and industries. Stakeholders acknowledged that there are many challenges in improving practice and that there is no 'quick fix' to improve fairness. Economic and labour market realities can undermine fair work, particularly in some industries and/or where employers are not engaged with discussions of fairness, often as a consequence of low levels of union organisation. Reaching out to those employers represents a major challenge for fair work, but there was broad agreement that emphasising the need for change (to avoid the individual and societal costs of unfair work) and the potential for fair work to drive business benefits had considerable potential.

We have argued that fair work is a journey, and it is important to be able to measure progress along that journey. Much of that measurement needs to be done at workplace or organisational level and, reflecting this, we have not explicitly suggested workplace-focused targets. We have, however, in setting out this Fair Work Framework, invited employers, workers and their representatives to compare their own organisations to what fair work should look like and to take steps to address any issues arising. Beyond this, it will be important to set out a trajectory towards leading-edge practice in fair work as a guide for employers, workers and unions.

It is important to track progress at country level. Our first task in this document has been to articulate the basic principles and potential of fair work, specify its key dimensions and components and indicate the baseline measures relevant to fair work. Moving forward, it will be important to specify measures, targets and timings for Scotland. Of course, these targets can only be delivered with the co-operation and enthusiasm of everyone in the workplace. The role of broader stakeholder groups (including, for example, government, public agencies, public bodies, the education system and consumers) is to influence and lever fair work practices. We suggest some key mechanisms or levers overleaf.

RECOMMENDATION

The Fair Work Convention makes one overarching recommendation: that organisations deliver fair work in the dimensions outlined here, providing effective voice, opportunity, security, fulfilment and respect.

How can this recommendation become a reality? In the Fair Work Landscape we outline on page 27, we do two things.

First, we put workplace activity at the heart of fair work. Fair work must be located in the workplace and delivered by employers and workers and, where present, union representatives. **We invite everyone involved in the workplace to assess critically whether their current practice supports our ambition and can help deliver fair work.** To do this, it is important to think about how to apply the Framework in a particular business context; to benchmark policy, practice, behaviours and outcomes against our overarching ambition for fair work and what this means in each of its dimensions; to verify the evidence used to make such an assessment; and to assess and identify the appropriate actions and timescales necessary to make progress and to review and improve in response to changing circumstances.

Second, while those directly involved in the workplace must own fair work at workplace level, other stakeholders also have an important role to play. There are a wide range of interested parties and organisations in the fair work landscape, some of which we capture in our diagram on page 27.

These stakeholders possess different levers. Many of the workers and campaigning organisations who spoke to us pointed to **legislation and regulation** and wanted to see a strengthening of employment protection, easier access to remedies for breaches of rights, better access to employment tribunals without the barrier of high fees and better enforcement of employment tribunal awards. Many of the legislative powers that are relevant to fair work are reserved to Westminster and are matters for the UK Government. In relation to Scotland, some stakeholders expressed a desire for greater use of existing regulatory and enforcement powers to support fair work, for example, through more searching use of the public sector equality duty.

Others focused on who could **deter bad practice** and how. Workers at the mercy of the most unfair employment and work practices and campaigning groups who represent them believed that sanctions (including naming and shaming) against very poor employers can be an appropriate lever, such as happens in relation to non-payment of the National Minimum Wage. It is very widely accepted that a suite of proportionate sanctions is necessary to respond to unacceptable employment practices and to signal the seriousness with which our society views these matters.

More positively, leveraging fair work might include **incentivising good practice**. Customers and consumers hold an important lever that can incentivise fair work when they choose to buy goods and services

from organisations with fair employment practices. Procurement – by government and the public sector – is also an important lever. Crucially, public contracting can be creative in delivering good use of scarce public resources without sacrificing fair work in the process. Support from the public agencies – finance and expertise – can both encourage and reward fair work practices.

Good practice examples are likely to identify **role models and ambassadors** who illustrate a commitment to practice – leading by example or ‘walking the talk’. Role models also help show how to address the challenges of fair work in a practical setting – a particular firm size, a sector, an industry, a union or a location – while ambassadors show how to drive change. Organisations as well as individuals can be role models, and government and the public sector should lead by example. But we invite all organisations to address and improve fair work, creating role models and ambassadors across Scotland.

Sharing information, learning, advice and support will also enable fair work. Many stakeholders have a role to play in supporting shared learning – across union networks, peer learning across employers and between and across civil society organisations – particularly government, the public agencies and educational institutions. (Our full Framework document has more information and signposting of guidance documents and, moving forward, the Fair Work Convention website will host this and other information).



A significant lever – and one that can be used by everyone with an interest in work – is **making and winning a positive case for change** that delivers fair work. Having a clear purpose, making an evidence-based argument, outlining practical steps towards fair work and disseminating widely is necessary, particularly in terms of knowing what a fair workplace looks like. A positive case for change that supports fair work also needs to be flexible and responsive to dynamic organisational, market, economic and social conditions.

Beyond this, **awareness and ownership of the Fair Work Agenda and its potential** is key – ownership not by government or politicians, nor by any sectional interest, but by employers, workers, unions and consumers collectively. **For this reason we have offered a framework against which employers, workers and their union representatives where present, can benchmark fair work - rather than recommending an accreditation for fair work, for which our consultation showed little desire.**

The framework can unite and support a 'coalition of the willing' to lead change that delivers fair work.

As a Convention, we invite everyone involved in the world of work – employers and workers; government and its agencies; union, employer and industry bodies; the education system; the media; consumers and civil society – to assess rigorously what they currently do to support the Convention's vision and those who deliver it in the workplace; and to work with the Convention to

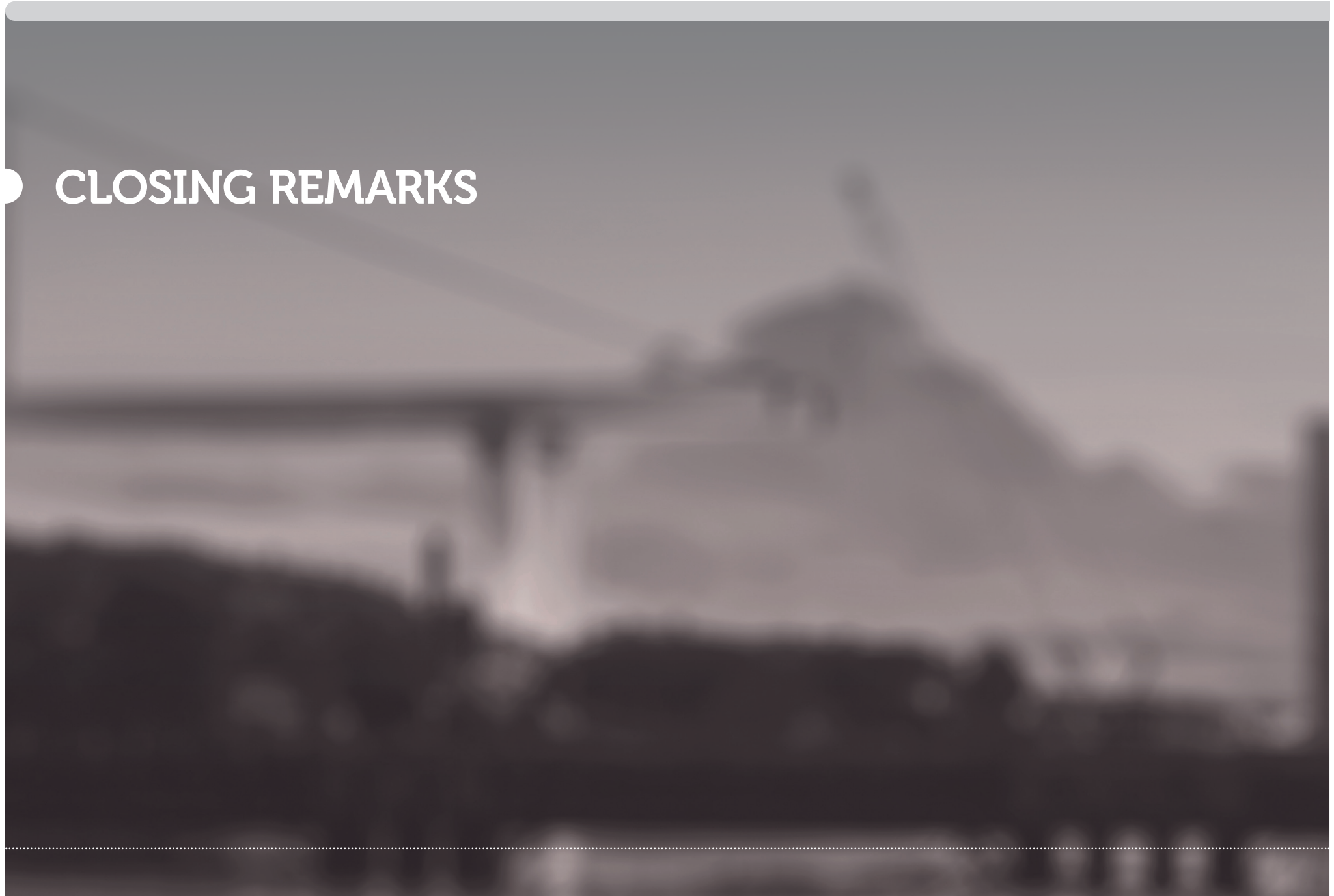
consider what additional actions they might take. All parts of the political, economic and civic community can exercise leadership in this space and support our ambition for fair work as well as supporting those who can implement it in the workplace.

We also challenge ourselves, as the Fair Work Convention, to support proactively the implementation and evolution of the Framework. Moving forward, there is work to be done to advise, challenge constructively and support stakeholders; to collect and disseminate information on effective practice; to use our convening role to bring together employers, unions and workers to facilitate learning and change; to help signpost sources of information and advice; to identify areas (industries or occupations) requiring priority attention, and to take responsibility for identifying and monitoring country-level measures of progress.



Scotland's fair work landscape:
Stakeholders and levers

CLOSING REMARKS



As previously indicated, we have one overarching recommendation: that organisations deliver fair work in the dimensions outlined here, providing effective voice, opportunity, security, fulfilment and respect. We believe that these dimensions, taken together, give the most complete description of what every working person in Scotland should be able to expect of their workplace. **To our knowledge, such an explicit statement of the importance of fair work is not in existence anywhere else in the world.**

In all the discussions that we have had – with a wide cross-section of individuals, workers and their trade unions, employers and their representative bodies, public agencies, academics and campaigning organisations – no one disagreed from our starting point that fair work was something worth striving for.

Our remit as the Fair Work Convention was to create a framework for the future of fair work in Scotland. We saw this as a real opportunity to set the bar high, to be ambitious, to create a vision for Scotland that would not only inspire companies, organisations, unions and government but every working person in Scotland. We have outlined what can be gained in each of the dimensions identified, and suggested ways in which to start or continue on the fair work journey. In doing this, we seek to inform and inspire in relation to the opportunities which fair work offers. We invite everyone to make their voices heard in this debate and to rise to the challenge of delivering fair work in Scotland. The Convention will help with this challenge in any way we can.

We believe we have created a Framework that is clear, understandable and aspirational and that all good employers can aim for. While we have considered extensive evidence and opinion, at the heart of the Fair Work Framework is, we believe, a simple truth: that drawing on all of the talents, skills, experience and creativity in our workforces is good for workers, good for business and good for Scotland.

This document represents our first output – the start of our work as a Convention. We move into our next phase with great enthusiasm and commitment. We are inspired by the good practice we have seen, motivated by the poor practice that needs to change and encouraged by the strength of will we encountered across the country that people in Scotland should and can have a world-leading working life where fair work drives success, equality, wellbeing and prosperity for all.

ANNEX A: ENDNOTES

- 1 Working Together Review, 'Working Together Review: Progressive Workplace Policies in Scotland' (Edinburgh: The Scottish Government, 2014), <http://www.gov.scot/Publications/2014/08/4647>.
- 2 P. Findlay, C. Lindsay, J. McQuarrie & R. Pascoe-Deslauriers, 'A Conceptual Understanding of Fair, Innovative and Transformative Work', Discussion Paper, The Fair, Innovative and Transformative Work Series (Glasgow: Scottish Centre for Employment Research, University of Strathclyde, forthcoming), www.innovatingworks.org.uk.
- 3 Ibid.
- 4 P. Findlay, D. Chalmers, C. Lindsay, J. MacBryde, R. Matthews, & R. Pascoe-Deslauriers, 'Innovating Works... Improving Work and Workplaces: Workplace Innovation in Small to Medium Sized Enterprises in Scotland' (Glasgow: University of Strathclyde, 2015), <http://innovatingworks.org.uk/AboutUs/PublicationsandReports/tabid/4949/Default.aspx>
- 5 Eurofound, 'National Working Conditions Survey in Europe: A Compilation' (Luxembourg: Publications Office of the European Union, 2014); Eurofound, 'Third European Company Survey - Overview Report: Workplace Practices - Patterns, Performance and Well-Being' (Luxembourg: Publications Office of the European Union, 2015).
- 6 Economy, Energy and Tourism Committee, 'Taking the High Road – Work, Wages and Wellbeing in the Scottish Labour Market', SP Paper (Edinburgh: Scottish Parliament, 2016).
- 7 F. Stuart, H. Pautz, S. Crimin, & S. Wright., 'What Makes for Decent Work? Initial Findings from a Study with Low Paid Workers in Scotland' (UWS-Oxfam partnership project with support from the Institute for Employment Research, 2016).
- 8 Hughes, C., Kenway, P., Kelly, P. & Barry-Born, T. (2016) Enlightened self-interest? The role of private sector employers in reducing poverty, New Policy Institute and the Poverty Alliance.



© Crown copyright 2016



www.nationalarchives.gov.uk/doc/open-government-license

ISBN: 978-1-78652-123-1

This document is also available on our website
www.fairworkconvention.scot

Published on behalf of the Fair Work Convention
by APS Group, March 2016 PPDAS67468

