



## FAIR WORK CONVENTION

### FAIR WORK IN CONSTRUCTION INDUSTRY INQUIRY GROUP (CIIG)

#### MINUTES

DATE: 27 AUGUST 2020

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### Attendees and apologies

#### Attendees:

- Patricia Findlay, Co-Chair of Fair Work Convention, University of Strathclyde (Chair)
- Mary Alexander, Member of the Fair Work Convention, Unite, the Union
- Fiona Harper, SJIB
- Kevin Dickson, Robertson Construction,
- Frank Blair, ACAS
- Darren Pike, Brookfield Multiplex
- Helen Martin, STUC
- Ricky Quinn, NAECI
- Paul Mooney, Unite

#### Guests:

- Scottish Government
- Dr Eli Dutton, Strathclyde University

#### Apologies:

- Billie Mitchell, Fife Council
- Lynette Robertson, City of Edinburgh Council

#### Secretariat:

- Fair Work Convention Secretariat

### Items and actions

#### Welcome and instructions

The Chair welcomed attendees and invited guests from the Scottish Government Construction Policy team to the meeting.

#### Minutes and Actions



Minutes and actions from the previous Construction Industry Inquiry Group (CIIG) meeting on 4 June were approved

### **Scottish Government (SG) Construction Update**

The SG Construction Policy Team provided an update to the CIIG including a presentation providing the latest statistics the SG have on the impact of Covid-19 on the construction sector. This concluded that:

- There has been a large impact on the construction sector, with small enterprises being more vulnerable to the economic shocks.
- Work is increasing, but it is still slow and 17% of workers were still on furlough after the restart process began.
- Work is ongoing to get apprentices back into colleges and on sites to complete their training. Work is also ongoing to ensure an intake of apprentices this year.

This followed a Q&A session with SG Construction Policy team on their findings

### **Strathclyde University Research**

Dr Eli Dutton from Strathclyde University presented research findings to the CIIG on 'Facing the future constructively? The experience of work in the construction industry in Scotland' which was Research carried out in spring 2019 by Strathclyde University and funded by the STUC.

In summary:

- The research consisted of an interview of union officials and a workforce survey aligned with the fair work dimensions.
- A key finding was that those who are not in direct employment (agency workers, self-employed) have less positive fair work outcomes than those who are in direct employment.
- The research also shows that there is an issue with unions not being able to get onto some sites to discuss workers' rights.
- The research suggested that workers are reluctant to raise issues, with fear arising from the history of blacklisting.
- The inquiry will consider how best to support workers to have effective voice.
- The Scottish Government could play a key role by promoting better practice and ensuring adherence to collective agreements.

CIIG members discussed the findings of the research with a particular focus on the degree to which workers were happy to raise different types of issues on sites, the need to increase access to flexible work in the industry, including examples of good practice and potential barriers to its adoption.

## **Working Conditions**

CIIG members then discussed Working Conditions with a view to identifying key priorities for fair work, identifying obstacles to fair work particularly around effective voice, and identifying approaches to disputes resolution.

CIIG members highlighted the following key priorities in relation to fair work:

- The level of direct employment.
- The reliance on self-employment, agency work, payroll companies and umbrella contracts.
- The commissioning process and practice and how this drives fair work outcomes and standards in the sector.
- Skills Agenda and the quality of training with a need to review the standard of qualifications.
- To link with the recommendations from the Cole Report <https://www.gov.scot/publications/report-review-compliance-enforcement/> particularly around skills and the quality of work.

Identifying obstacles:

Whatever recommendations the CIIG decide on need to be translatable through the whole of the industry. The size of the industry and organisations themselves are potential obstacles.

Voice and disputes resolution:

- The inquiry are suggesting that compulsory disputes resolution procedures for every contract, and every site to ensure that workers are able to raise issues and have them resolved in the appropriate way.
- The inquiry will consider how the use of collective disputes procedures can be built into procurement standards.

## **Collective Disputes Procedures**

Frank Blair from ACAS presented to the group on 'Collective Disputes Procedures' summarised by:

- ACAS originally devised a process which was time limited and would not interfere with any industry agreement which was already in place on site. This was meant to quickly resolve any issues on site that the direct employer and collective employees have.
- Internal company dispute procedures were usually quite lengthy, and with Covid-19 and the rapidly changing environment, and rules, there needs to be a dedicated process for Covid-19 related disputes to resolve disputes fast.



- ACAS have an agreement from STUC and trade unions to have a faster process for Covid-19 specific disputes. Any issues will be raised through the unions and passed directly to ACAS, who will then engage with the employer directly.
- One issue for ACAS is they are relying heavily on trade union intelligence which in turn relies on trade unions being allowed on site.

### **National Agreement for the Engineering Construction Industry (NAECI) Agreement**

Ricky Quinn from the NAECI presented to the CIIG on the NAECI agreement, explaining that the NAECI has a set of collective agreements which allow people to get paid the same level whilst on site, during a contract.

NAECI promotes direct employment, rather than through agencies and has a mechanism for resolving grievances and dismissals.

Visit the NAECI site for further information, <https://www.njceci.org.uk/>.

### **Contact**

For further information on the Fair Work in Construction Industry Inquiry Group contact: [fairworkconvention@gov.scot](mailto:fairworkconvention@gov.scot)