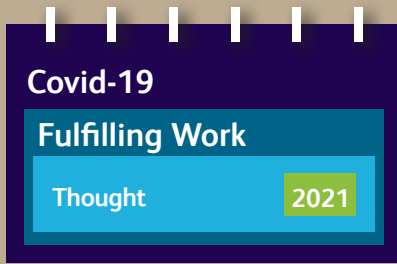


What next for Fair Work in Scotland?



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Introduction

The context in Scotland

The Scottish Government has what it terms a 'Fair Work' agenda. The aim is that everyone in Scotland is able to access 'fair work' – defined as that which offers opportunity, security, fulfilment, respect and effective voice.

Since 2015, when the Scottish Government convened an independent Fair Work Convention, considerable work has been undertaken to advance the Fair Work agenda. Fair Work is explicitly embedded as a policy ambition in the activities, strategies, policies, practices and performance indicators of the Scottish Government and its public agencies. There is a Cabinet Secretary for Fair Work and a dedicated government directorate. A wide-ranging Fair Work Action Plan has been developed and 'quality jobs and fair work for all' has been enshrined as one of 11 national outcomes in Scotland's National Performance Framework. The Scottish Government has begun implementing Fair Work First, a flagship programme which embeds the demonstration of Fair Work practices by employers as a criteria in the awarding of public sector grants and contracts to businesses.

Much of the considerable work which has been done has been driven by the Fair Work Convention, which acts as an independent advisory body to the Scottish Government on Fair Work matters. The Convention scrutinises and advises on the advancement of Fair Work by key actors in Scotland, including through the development of Fair Work metrics and of practical resources for employers and employees to benchmark and advance Fair Work; and through a research programme including examining the application of Fair Work in different sectors such as social care and construction.

Since the onset of the pandemic, there has been a welcome continued focus on Fair Work as a policy priority for the Scottish Government. This has been exemplified in public statements from the First Minister and the Cabinet Secretary for the Economy and Fair Work; in the joint statement on fair work expectations in the transition out

of lockdown, signed by employer, trade union, public body and voluntary sector representatives; in the commitment to '*a national mission towards more jobs, good jobs, and green jobs,*' in the Programme for Government; and in the Scottish Government's provision of guidance on employee consultation, reopening, and creating 'COVID-secure' workplaces which signposts employers and workers to the Fair Work Framework and resources to implement Fair Work in decision making. At the time of writing, an Annual Report produced by the Scottish Government on their Fair Work Action Plan reiterated '*The Scottish Government is resolute in its commitment to making Fair Work the norm for workers around Scotland,*' stating that in the context of COVID-19, '*Fair Work is more important than ever and is central to Scotland's economic recovery and renewal, supporting our aim to move towards being a wellbeing economy.*'

The labour market and wider social and economic context has been drastically altered by COVID-19. The significant intervention of the Coronavirus Jobs Retention Scheme (CJRS) and the Self-Employed Income Support Scheme (SEISS), introduced by the UK Government at the onset of the pandemic, has so far minimised the scale of unemployment caused by the economic shutdowns. However, even before these support schemes are removed, the UK unemployment rate is at 5.1% (although this is notably lower in Scotland at 4.5%); and around 4.5 million workers around the UK are currently estimated to be fully or partially furloughed. The wind-down of the CJRS and SEISS is currently planned by the UK Government by September, at which point the Office for Budget Responsibility (OBR) expects UK-wide unemployment to peak at 6.5%. However, there is continuing uncertainty whether the pandemic will be under sufficient control to remove coronavirus business supports in expectation that normal trading conditions can resume. There is also uncertainty about how employers will respond to the removal of these supports in their decisions around business models and staffing, which might impact employment. While the successful rollout of coronavirus vaccines provides a welcome glimmer of hope, managing our exit from the

current coronavirus restrictions entails a complex balancing of harms, placing heavy demands on policy makers and business leaders. Alongside the need to address the challenging economic context, the last year has seen labour market interventions and widespread disruption to ordinary patterns of working, socialising and caring that may have ultimately altered perceptions among citizens of the possibilities for change in political priorities and in how to organise our society. This might provide new opportunities to accelerate progress on Fair Work. However, despite its commitment to Fair Work, Scotland, like the rest of the UK, may find that with the challenges of managing the Coronavirus crisis and its impact on employment levels, capacity to advance the Fair Work agenda may be tested. Moreover, it is worth noting that even prior to the pandemic, there was more that had to be done to turn the Fair Work vision into reality.

Our focus on Fair Work

The Carnegie UK Trust's 2016-2020 Strategic Plan includes a programme of work examining the contribution that being employed in good quality work¹ makes to wellbeing. We do this because creating jobs and sustaining people in employment is only one part of delivering a labour market that enhances wellbeing. Despite record levels of employment in recent years before the pandemic, many people's experience of work has not been good, with persistent inequalities of opportunity; low and stagnant pay; lack of worker voice; and a growth in insecure forms of work all salient features of the UK labour market. And while being unemployed is highly damaging to wellbeing, being employed in poor quality work also has significant negative impacts. It is intuitive that work which pays enough to sustain a decent standard of living; is fulfilling; offers a sense of purpose and participation, and a safe working environment will deliver benefit to individuals, communities and society. In contrast,

there are negative wellbeing implications of work which is dangerous, demeaning, unfulfilling, or bad for health. Some studies have even found that working under precarious terms of employment or in a stressful or poor quality job can be as, or even more, detrimental to our health and wellbeing than being unemployed. The What Works Centre for Wellbeing, which collates high quality evidence for policy making, notes the positive wellbeing impact offered by jobs that exceed minimum legal standards and deliver on multiple aspects of job quality. They conclude that for individual wellbeing: '*having a job is good and having a good quality job is miles better.*'²

Over the last five years we have undertaken a variety of projects UK-wide and in particular jurisdictions and regions, to understand the key determinants of good quality work and the policy and structural changes needed to make it available to many more people. In 2020, we turned our focus to understanding how the ambition for more good quality work for more people has been impacted by the COVID-19 pandemic. We published a report, *Good Work for Wellbeing in the Coronavirus Economy*. This examined the unequal job quality impacts of the crisis; highlighted the need for public policy to focus on employment and quality of work as dual priorities for navigating society out of the coronavirus crisis; and presented a number of recommendations for policy makers, employers, and civil society. The evidence base for the report's findings comprised of a process of qualitative interviews conducted with 18 external organisations with insights into the changing labour market, including representatives from the business community, trade unions, campaign and special interest groups, academics and think tanks; and desk research of the developing literature of the impacts of Coronavirus on job quality.

1 The Carnegie UK Trust uses the terms 'good work', 'fair work', 'fulfilling work' and 'job quality' interchangeably, to denote work which has characteristics which support individual fulfilment and wellbeing. The metrics which underpin our analysis of job quality is included in appendix 1. We recognise that the Fair Work term used in Scotland has a specific meaning and understanding among stakeholders, with detailed metrics sitting beneath the five Fair Work dimensions of Opportunity, Security, Fulfilment, Respect and Effective Voice.

2 Submission by Nancy Hey, Director of What Works Wellbeing to the Carnegie UK Trust, September 2017.

How to read this paper

In this paper, we consider the body of research conducted for our previous work anew in the Scottish context, reflecting on Scotland's pre-existing progress on Fair Work, and where it needs to go next to respond to the challenges and opportunities accelerated by COVID-19. The findings and recommendations in this paper are informed by the evidence base from our *Good Work for Wellbeing in the Coronavirus Economy* report; our own knowledge and internal discussions with stakeholders from being active in job quality public policy discussions for the last five years, and desk research conducted in February-March 2021, with a bibliography of key sources included in appendix 2.

At the time of writing, Scotland is approaching an election. Therefore, the majority of our recommendations are targeted towards the Scottish Government, looking ahead to what can be advanced to support Fair Work in the next parliamentary session. We recognise though that many different actors are critical to the achievement of Fair Work, with employers, government of all levels, trade unions and wider civil society all exerting an influence on quality of work.

We are aware that the Scottish Government and Fair Work Convention are actively pursuing a broad programme geared towards the advancement of Fair Work. Many of our recommendations, while they are rooted in our own evidence base, endorse activities announced or underway by the Scottish Government and Fair Work Convention. Moreover, we are aware that many other organisations with a stake in Scotland's economic recovery and the advancement of Fair Work in Scotland will be setting out their own perspectives on these issues in the run up to the election. We are keen to engage with the Scottish Government, Fair Work Convention, and all other organisations to bring together our collective insights and consider how we might align and amplify our messages where we share common areas of concern and ideas about possible solutions.

Report Structure

- In this spirit, the **first section of our report is headed 'What next for Fair Work in Scotland? Key Challenge Questions.'** We pose these questions for debate and discussion to the Scottish Government and all organisations, employers and political actors with a stake in Scotland's economic recovery and the advancement of Fair Work.
- The **second section** of the report details how the pandemic has influenced fair work, summarising the findings from our report *Good Work for Wellbeing the Coronavirus Economy*.
- **The third section** sets out our recommendations on what next for Fair Work in Scotland, divided into three areas of action: **Assess and Adapt, Implement, and Influence.**

A **summary of our recommendations** is included on p.17.

What next for Fair Work in Scotland?

Key challenge questions



Assess and adapt

How should the **Fair Work Action Plan continue to adapt**, to respond to the **differentiated challenges and opportunities** continuing to unfold from the pandemic across sectors and different groups of workers?

How can we ensure policy is informed by **timely data on Fair Work**, reflecting the disruption caused by the pandemic? What more should be done to **benchmark progress towards a 'Fair Work Nation'**?



Implement

Scotland has set out a number of Fair Work commitments, but the focus must now be on **implementation and outcome evaluation - starting with Fair Work First**, a flagship policy. How are public bodies implementing Fair Work First and is it delivering results?

Where the Scottish Government and local governments have **direct policy levers** such as social care, education, skills, re-training, and elements of social security, how can we ensure that **Fair Work is considered and, where appropriate, more deeply embedded**?



Influence

How can we **expand support and buy in** for Fair Work among key labour market or political actors in Scotland who may not see this as a priority right now?

As employment policy is reserved, action from UK Government on some key issues would help to advance Fair Work in Scotland. **What needs to happen at UK level to 'unlock' greater progress on Fair Work in Scotland?**

How can all **Fair Work actors** in Scotland (including business, civil society and opposition politicians) **leverage their influence on UK Government** to take decisions that align with the Fair Work agenda?

How has the pandemic impacted Fair Work? Key findings

Below, we summarise the key findings from our research report into the impact of COVID-19 on job quality, placing them in the context of Scotland's pre-existing progress on Fair Work and Scotland's responses to the pandemic at the time of writing. The full evidence base behind these key messages can be obtained by reading the report *Good Work For Wellbeing in the Coronavirus Economy*.

1. Protecting jobs must be a priority. Access to employment is a key determinant of wellbeing and there has rightly been a major focus on protecting employment during the COVID-19 pandemic. This must continue. For 'Fair Work' to matter, people need to have a job in the first place, with 'opportunity' appropriately being the first of the five Fair Work dimensions. Action to protect and boost employment must remain an essential policy priority for government, business and civil society during the coming years. A multi-year focus on protecting jobs and improving job quality for people in work will be required to mitigate the long-term scarring of the pandemic on the labour market. All levels of government have a responsibility to engage with sector bodies and employer and worker representatives to develop an effective multi-year jobs strategy which is responsive to sectoral dynamics and local labour markets. The challenge for Scotland is to ensure as far as possible that Fair Work is protected, advanced and extended within the jobs that are sustained and created through the pandemic.

2. The pandemic is deepening inequalities in access to good work. The crisis has impacted on all dimensions of job quality, affecting different industries and different groups of workers, in very different ways. However, the overall impact has been worsening inequality in access to good work. The groups of workers most adversely affected by the COVID-19 crisis include low-paid workers, people in precarious employment; the self-employed; young people; people with low formal skills; ethnic minority workers; people who are clinically vulnerable to Coronavirus, and people with disabilities. Many of these workers

cluster disproportionately in the industrial sectors most impacted by economic shutdown or restrictions (e.g. women and young people in retail and hospitality) as well as in frontline sectors working with those most vulnerable to COVID-19 (e.g. women and ethnic minority workers in health and social care). These groups were amongst the most disadvantaged workers in their access to good quality employment, even before the onset of the crisis.

3. Investment in skills and training is going to be a key priority in the coming years. The pandemic is changing the shape and nature of the labour market, and some of these changes will be permanent. The demand for upskilling and retraining and pathways for young people to enter the labour market will be affected in turn. While significant UK-wide Coronavirus support schemes such as the CJRS remain in place, keeping employees attached to their current employer, the scale of this challenge is yet to fully emerge. However, investment in high quality skills and training programmes to help workers prepare for new roles and opportunities is going to be vital. There is a strong case for further public investment in this area, given that many employers' training budgets are likely to be under severe pressure in the coming years. It will also be important that interventions seek to engage those who have been most adversely affected by the crisis, who were already disadvantaged in both employment and job quality before the pandemic.

4. Pay packets and incomes are under severe pressure. Pay has been hit hard by the pandemic, with many people experiencing a reduction in their income and hours, causing hardship for many lower paid workers. This is especially the case for those who have been made unemployed and for those furloughed on 80% of wages. The prospects for pay over the coming period do not look promising, with further job losses and reductions in incomes likely as ongoing restrictions to suppress the virus place further pressure on employment, levels of pay and the number of hours of work available.

5. Low paid workers need and have earned a pay rise. Moreover, disproportionate numbers of low paid workers are in key worker sectors, whose efforts are highly visible on the frontline of the pandemic. This has particularly been the case in social care, where the pandemic has exposed to wider public scrutiny the many challenges that exist in this sector, including endemic low pay, insecure contracts and fluctuating working hours that impact worker security and take home pay. Beyond key worker sectors, we have seen growing recognition of the need to tackle low pay more generally given the high levels of in-work poverty and the limited financial resilience among many households exposed by the pandemic.

6. Precarious work is likely to be on the rise. The trend towards precarious terms and conditions in the labour market, including the issue of employment status, is likely to remain a major challenge for job quality in the coming years. It is expected that the recession, and the volatile nature of dealing with a pandemic, will create a desire and pressure among employers for greater flexibility in their contract arrangements, increasing insecurity for workers.

7. Health, safety and psychosocial wellbeing have moved to the top of the job quality priority list. As a public health crisis, it is clear that the COVID-19 pandemic has brought significant new focus, attention and concern to health and safety in the workplace. The crisis has created unprecedented new pressures on mental and physical health for almost all workers. There is growing concern about severe risks to mental health for health and social care workers from the strains of providing care at the frontline of the pandemic. Key workers and those going into workplaces face a higher risk of exposure to COVID-19 than those working at home. Employers have significant responsibility to consider their employees' physical health, in respect of protection from the virus, and mental health in respect of the pressures of working in often highly challenging environments during a pandemic. There is a clear impetus for action in both these fields.

8. Key workplace relationships, including those between colleagues and those between managers and staff have been tested during the pandemic. The nature of the crisis has placed significant pressures on all workplaces and the relationships within them, which are a key aspect

of job quality. Organisations have had to deal with many challenging issues, including rapid shutdown; furloughing of staff; job losses; remote working; employees juggling work and caring responsibilities; reopening; and new operating arrangements to manage COVID-19 risks. This has tested key relationships. In some workplaces, trust and bonds have strengthened as people have gone through the experience together, while in others there have been growing feelings of isolation or disconnection. The experience has exposed the importance of good quality line management to support people to perform and thrive despite the emotional strain and disruptive changes brought by the crisis. The quality of line management was already a challenge across many parts of the UK labour market prior to the pandemic. The case for investment in this area, and in supporting workplace relations more broadly, is now stronger than ever.

9. The crisis has placed a huge strain on work-life balance for many workers. This impact is partly related to the wider societal impact of the virus and its ongoing restrictions on leisure and socialising activities. Additional pressures of childcare, home-schooling and other caring responsibilities have increased for many working-aged people during lockdowns. Throughout the crisis, workers in all circumstances have experienced additional pressures which have impacted on the intensity of their work and their work-life balance. For those going out to work, this includes the additional tasks and requirements involved in ensuring that workplaces are COVID secure. For those working from home, doing so almost exclusively via digital platforms has brought new strains and expectations, isolation from co-workers and an often unhealthy blurring of boundaries between home and work.

10. In the medium-term, there is potential for improved work-life balance through more remote and flexible working, but this opportunity is not shared equally across the labour market. The shift to home working for certain sectors has the potential to lever a sustained shift away from the standard 'office 9 to 5' in a way that may improve work-life balance and autonomy for some workers. However, not all jobs can be done remotely, and flexibility is significantly more challenging to deliver in some industries and job roles than others. Given that workers in the upper half of the income distribution are more likely to be able to work

from home, there is concern that those workers who may stand to benefit from greater flexibility and work-life balance in future are those who already have higher levels of job quality overall - further deepening inequalities in how people experience work across the labour market. Even within those sectors where work can be delivered remotely, there is significant inequality of experience depending on the suitability of home environments for work, and on the most important aspects of job quality for different workers. For example, greater flexibility may come at the cost of peer relationships, training, learning or progression opportunities; and there is a risk that the costs of creating appropriate home working spaces will fall to workers.

11. Many workers have had limited involvement in key decisions in their workplaces during the pandemic. The trade union movement has performed strongly during the crisis, negotiating at the highest level with government and attracting new members who have been represented and supported. However, levels of trade union membership and collective agreements are relatively low in international terms. The challenge of organising among remote workplaces may add to longer-running challenges constraining trade union activity, including legislative constraints and lack of tripartite structures at UK level. The Scottish Government has gone further than the UK Government in setting out Fair Work expectations on employers, including the importance of enabling Effective Voice, throughout the pandemic. However, it appears that consultation and engagement between employers and employees across

the non-unionised parts of the labour market has been patchy and that this may be an area where more needs to be done as the labour market is managed through the next stages of the pandemic. Strengthening worker voice and representation requires supporting the capacity of trade unions to represent more workers, as well as other means of individual, workplace and sectoral representation which are shown to be effective.

12. We should be ambitious in setting a vision for a renewed focus on Fair Work coming out of COVID-19. The pandemic has brought significant pressure on employment, pay, terms and conditions, physical and mental health and working arrangements for many businesses and workers. But it has also opened up the labour market to interventions that would have been unimaginable 12 months ago. Issues such as how to better protect workers' incomes, how to protect the health of workers, and how to give employees greater control and flexibility over their working lives are all now prominent in the public debate. The type of labour market that emerges from the COVID-19 crisis is not pre-determined, and public policy makers, businesses, workers and civil society organisations have many different levers at their disposal to design a new labour market that delivers on fair work for all.



What next for Fair Work? Recommendation

Our first overarching recommendation is that:

RECOMMENDATION

1

The Scottish Government should continue its leadership on Fair Work, working to an ambitious programme for advancing Fair Work throughout the course of the next parliament.

The pre-existing commitment and programme of Fair Work activities in Scotland provides a strong foundation for Scotland to adapt to the challenges and opportunities exacerbated by COVID-19. Fair Work should continue to be actively considered in areas of policy or government spend which can influence job creation and quality in the labour market, and wherever possible, should be more deeply embedded.

To continue leading the way on Fair Work, the Scottish Government and all Fair Work actors in Scotland should:



Assess and Adapt



Implement



Influence



Assess and adapt

If policy is to achieve its intended outcomes, there is a need to monitor, evaluate and adapt or alter where necessary. The severe disruption caused by the pandemic, significantly impacting working lives and political resources, makes this even more important. Looking forward, now is the moment to take stock of existing progress and priorities within the Fair Work agenda, and adapt as necessary for the opportunities and challenges of the coronavirus economy.

RECOMMENDATION

2

Continue to improve how Fair Work is measured in Scotland.

The data available to measure job quality in Scotland and benchmark progress towards Fair Work is improving. In December 2020 the Fair Work Convention published a review of progress over the last five years, with the intention of repeating this exercise annually by drawing on national statistics, and the CIPD has instituted an annual Working Lives Scotland report, which uses nationally representative polling data. Gaps in the data remain, however, and there is also a need to ensure any data collected can be sufficiently disaggregated to understand inequalities in access to Fair Work across the labour market.

We recommend that that the Scottish Government rapidly assesses how the data gaps raised by the Fair Work Convention's first measurement framework report can be addressed. As an outcome of this scoping exercise they should commission and commit to funding a regular robust survey to track progress in Fair Work in Scotland. Given the extent of disruption caused by the pandemic, the task of establishing mechanisms to collect Fair Work data which reflects the COVID-19 labour market, and could help to plan mitigating actions, should be undertaken with some urgency.

RECOMMENDATION

3

Continue to focus on disadvantaged workers at the centre of Fair Work plans.

The Scottish Government should continue its commitment to tackling inequalities in access to Fair Work, and continue to work closely with organisations representing groups of workers most at risk of unemployment or poor job quality while in work, in order to identify and implement effective, tailored responses.



Implement

Although employment policy is reserved, the Scottish Government has a number of powers at its disposal to influence Fair Work and a number of commitments have already been made in the Fair Work Action Plan and first Annual Report. Scotland has also deployed many of its own levers in responding to the employment consequences of the pandemic. The focus now must be on full implementation of the range of Fair Work commitments and adapting or accelerating activity as required, to respond to the new risks and opportunities of COVID-19.

RECOMMENDATION

4

Continue to implement and evaluate Fair Work First.

Fair Work First is a flagship policy, embedding the demonstration of Fair Work practices by employers as a criteria in the awarding of public sector grants and contracts to businesses. The development and roll-out of this policy has been incremental, with Fair Work First in the process of being applied to grants, other funding, and contracts being awarded by public bodies, where it is considered relevant and proportionate to do so.

Many public sector bodies around the UK, including at subnational, regional and local level, have been examining how to use their powers of procurement to improve job quality in their jurisdictions. We believe that Fair Work First in Scotland is one of the most advanced frameworks that exists in the UK for encouraging better quality work through conditionality applied to grants and procurement. However, from our work in this area we are aware of a range of implementation challenges encountered by other public bodies that have looked at embedding Fair work-related conditionality in procurement. Therefore the focus in Scotland must now be on Fair Work First's full roll out and evaluation of its effectiveness.

Fair Work First Guidance published by the Scottish Government in January is welcome and should provide greater clarity for greater clarity for all actors interacting with Fair Work First with the potential for accelerating roll out and impact.

Some of the onus is on public sector bodies, who should now engage with the Fair Work First Guidance and establish a clear plan for how they will use this to encourage and incentivise the provision of Fair Work across the labour market during the next five years. We note the commitment from the Scottish Government to evaluate the adoption of Fair Work First approach and criteria and effectiveness of Fair Work First Guidance by the end of 2021/2022. We strongly support this commitment.

RECOMMENDATION

5

Continue to invest in supporting skills development and re-training which enable Fair Work.

The Programme for Government made a number of announcements in relation to upskilling, retraining, and subsidised work placements within businesses. This included the expansion of existing provision, such as apprenticeships, Developing the Young Workforce, Flexible Workforce Development Fund, PACE and Individual Training Accounts, and the introduction of a National Transition Training Fund. A strong focus on supporting young people, given the detrimental effects of recessions on youth employment, was articulated through a 'Young Person's Guarantee,' intended to contain and signpost a number of these new and expanded initiatives, including the UK Government's Kickstart scheme.

5A

As the labour market situation continues to develop through the remaining phases of lockdown, reopening and recovery, the Scottish Government should closely track the take-up and impact of the opportunities presented through existing schemes and pivot, adapt, further resources or strengthen these if they are not delivering the desired outcomes. Part of this process should involve assessing whether there is an appropriate balance of provision to support all age groups who are in need of additional support to reskill and retrain, and whether there is sufficient public and employer awareness of how to access the schemes to enable take-up.

5B

As Scotland considers the medium-term challenge of supporting the resumption of business activity and employment following COVID-19 restrictions, the Scottish Government

should consider how it might apply elements of Fair Work First conditionality within support packages made available for employers. Most urgently, we would like to see consideration of how elements of Fair Work First can be embedded into employer-subsidised work placement schemes, in order to mitigate the risk that the important task of minimising unemployment is achieved at the expense of deteriorating job quality.

RECOMMENDATION 6

Accelerate plans to deliver improvements for social care workers.

Prior to the pandemic, the Scottish Government had been advancing action to improve the provision of Fair Work in social care, including through a funding settlement with local government that aims to ensure that social care workers are paid the Living Wage³ (which was followed by a Coronavirus funding boost).

The Fair Work Convention has produced a detailed analysis of Fair Work challenges in the social care sector and recommendations to address these in their report *Fair Work in Scotland's Social Care Sector*. This report noted a range of structural problems in social care which inhibit the provision of fair work in the sector, including ways in which social care is commissioned and procured. Its findings and recommendations have been more recently echoed in the *Independent Review of Adult Social Care*, commissioned by Scottish Government.

In response to the Fair Work Convention's report, the Scottish Government had convened a Fair Work in Social Care Implementation Group tasked with setting out how its recommendations could be taken forward. The work of the Implementation Group has been delayed by the pandemic but has resumed and is due to report to Scottish Ministers in the coming months.

3 While the intention to tackle low pay in the sector through the application of the Living Wage is positive, it is interesting to note that Resolution Foundation data finds a large minority (43%) of social care workers in Scotland still earn less than the Living Wage, pointing to difficulties in the implementation of this policy. It is reported that the introduction of the Living Wage has contributed to further constrain pay differentials among more experienced staff and those in managerial roles, as well as financial pressures on business models already constrained by the existing model of commissioning and procurement. Another issue is that as variable hours contracts are characteristic of the sector, improving the hourly rate, though welcome, does not necessarily boost overall take home pay for many social care workers on fluctuating weekly hours. Overall, a more systematic review of pay structures and funding models seems required to tackle endemic low pay in the sector.

Following the publication of recommendations by the Fair Work in Social Care Implementation Group, we urge the Scottish Government to set out an ambitious timetable for the urgent delivery of actions to improve Fair Work in social care.

RECOMMENDATION 7

Consider how to strengthen the social security safety net.

In 2016, a number of social security competencies, including disability benefits; a variety of benefits for parents and carers, and flexibilities in how the main working age benefit Universal Credit is delivered in Scotland, were devolved from UK to Scotland-level. Full deployment of new social security powers is ongoing, and changing the level at which Universal Credit is paid remains reserved to the UK Government. However, the Scottish Government has already shown itself willing to depart from the existing UK approach. For example, through the introduction of the Scottish Child Payment aimed at reducing levels of children in poverty, and through commissioning a feasibility study into piloting a Citizens' Basic Income in Scotland. The Scottish Government should continue to adapt and innovate through targeted interventions in social security that are possible within the reach and flexibility of their current powers, with the aim of providing greater security to people moving in and out of work and to tackle poverty.

RECOMMENDATION 8

Encourage Living Hours.

The Scottish Government should continue their support for the Real Living Wage and Living Wage Places initiative. Recognising that raising hourly pay is only one element for addressing the financial insecurity caused by low and fluctuating incomes, the Scottish Government should aim to resource a Living Hours campaign for Scotland, to commence in 2021, in order to mitigate the risk of rising use of precarious contracts in response to the pandemic. This campaign would encourage employers to sign up to the Living Hours Accreditation scheme as part of a commitment to deliver employment terms and conditions which support greater worker security.

RECOMMENDATION 9

Implement plans to increase collective bargaining coverage.

9A The Scottish Government's Fair Work Agenda emphasises the importance of Effective Voice and the important role of trade unions and collective bargaining in enabling this. We note and welcome the Scottish Government's joint work with the Scottish Trades Union Congress (STUC) mapping the existence of collective and national agreements in the social care, early years and childcare, hospitality and construction sectors, and ask them to produce an action plan for extending coverage as an outcome of this research.

9B We would also urge, in line with forthcoming advice from the Fair Work in Social Care Implementation Group, that the Scottish Government proceeds at pace with the establishment of a new sector-level body for social care. This would, through social dialogue and the establishment of collective agreements between government, employee and employer representatives, establish standard minimum fair work terms and conditions for the social care workforce, responding to the recommendations in the Fair Work in Scotland's Social Care Sector and Independent Review of Adult Social Care reports.

RECOMMENDATION 10

Address pay inequalities.

Tackling pay inequalities must not be deprioritised because of the pandemic. The Scottish Government has indicated its awareness that delays in the range of actions needed to address pay gaps risks compounding and entrenching existing inequalities in access to Fair Work.

10A The announced review by the Scottish Government of its Gender Pay Gap Action Plan should take place promptly in order to assess whether further initiatives may need to be deployed or accelerated to address the adverse impact on women's jobs and incomes during the pandemic. This review should include a strong focus on the implementation mechanisms for the ambitious delivery of the Action Plan during the course of the next parliament.

10B Ethnic minority workers face significant challenges in accessing Fair Work in the labour market. Compared to white individuals, they are disproportionately likely to be unemployed, to be in precarious work, and during the pandemic they have been over-represented in shutdown sectors, as well as key worker jobs placing them at disproportionate exposure to the virus. In addition to urgently advancing its Race Inequality Framework and Action Plans, the Scottish Government should consider how they might lead by example on the issue of ethnic minority pay gap reporting, a requirement which has been explored by the UK Government in consultation but has not yet been introduced. Scottish Government should, as a starting point, consider the recommendation from the Scottish Parliament's Equalities and Human Rights Committee to introduce new regulations compelling a public authorities to publish their ethnicity pay gap figures and set out actions to deliver improvements within an agreed timeframe.

RECOMMENDATION 11

A renewed focus on health and safety.

Occupational health and safety is a reserved area of legislation, with the Health and Safety Executive operating across Great Britain. However, the Scottish Government can play an important role in raising awareness around employer's health and safety responsibilities and good practice for healthy workplaces by linking employees and employers to relevant services or guidance. As a starting point, the Scottish Government should evaluate the resources allocated to the Healthy Working Lives programme to ensure these are adequate to proactively support employers and employees to manage the heightened physical and mental health risks caused by the pandemic.

RECOMMENDATION 12

Urgently address the increased mental health risks facing health and social care workers.

There has been a longstanding issue of publicly-funded mental health provision being insufficient for levels of demand for treatment, and mental health has further deteriorated for many people

during the pandemic. There is thus an urgent need for the Scottish Government to improve mental health services capacity in Scotland. What is required to achieve this from a public health perspective is beyond the scope of this report. However, our investigation into how job quality has been impacted during the pandemic has found evidence of accentuated mental health pressures on health and social care workers who have been at the frontline of the pandemic⁴. Without rapid action to address this, it risks increased mental illness among this workforce, with great personal impacts as well as wider impacts on staff absence, staff retention and overall quality of care for vulnerable people. We welcome the steps taken by the Scottish Government so far through the establishment of Health and Social Care Mental Health Network. We urge the Scottish Government to consider its full range of funding and delivery options for urgently making the level of additional mental health prevention and treatment services available and accessible to health and social care workers in Scotland, as well as exploring its role in enabling more local and informal approaches to supporting workforce wellbeing⁵. In doing so, the Scottish Government should work closely with health boards and the sectors' employer associations and trade unions to identify levels of need and delivery mechanisms, as appropriate.

RECOMMENDATION

13

Increase support to grow Fair Flexibility in Scotland.

The Scottish Government has signalled that they are aware of the opportunities, challenges and social and policy implications of the move to remote working at scale during the pandemic. As part of their response, last year the flexible work consultancy Timewise was commissioned to deliver a fair flexible work programme in Scotland. The programme included rapid response activity, designed to support businesses to adapt to remote working necessitated during the pandemic, and development work with employer intermediaries and employability organisations, intended to support the creation of more fair

⁴ It is important to note that the findings of the Sturrock Report and the Decent Work in Scotland's Care Homes report, among other sources, suggest the issue of worker wellbeing being neglected or undermined in the health and social care sector is a more long-term concern that has been exacerbated by COVID-19.

⁵ These ideas are explored in more depth in the Carnegie UK Trust's report *The Courage to Be Kind: reflecting on the role of kindness in the healthcare response to COVID-19*.

flexible working opportunities for people entering and progressing in work. Glasgow-based social business Flexibility Works was also funded to deliver a programme of support to employers to adopt fair flexible working practices and to undertake research into the availability of such practices in Scotland.

A longer-term approach is required to increase understanding and provision of Fair Flexible work in Scotland's labour market. More work is needed to understand the implications of extended use of remote working, particularly as many employers begin to consider how to implement 'hybrid-working' - combining time at home and time in workplaces –as COVID-19 restrictions loosen. A longer-term approach of research and engagement is needed to understand barriers and to more systematically encourage change in employment practices, so that more job roles across the income spectrum offer forms of flexibility which enable work-life balance (even in those professions where home working is not an option.) This challenge pre-dates the pandemic and remains vital for opening up Fair Work, particularly to parents and carers.

We recommend the Scottish Government commits additional support and funding over the medium term to scale up activities directed at growing Fair Flexibility in Scotland. This should include providing additional funding to extend and scale up the activities that Timewise and Flexibility Work have initiated in Scotland.

RECOMMENDATION

14

Assess Effective Voice during the pandemic.

Scottish Government guidance for employers navigating the pandemic usefully signposted employers towards Fair Work Guidance. It highlighted the importance of enabling Effective Voice, for example, in employer decisions about making workplaces COVID-secure and furloughing staff. To understand the impact of this signposting, the Scottish Government should commission new research to understand the level and quality of Voice mechanisms used by employers to consult and involve employees about changes during the pandemic. The research should assess what Voice mechanisms have been used; what outcomes have been observed; the

barriers facing employers to undertake duties to engage and involve employees in decision making; and provide recommendations for how these barriers can be addressed.



Influence

In addition to deploying levers over which it has direct policy control, there is more that the Scottish Government can do to influence the behaviour of other actors involved in the achievement of Fair Work.

This includes influencing the behaviour of employers operating within Scotland. Employers are key actors in delivering Fair Work and there needs to be a continued process of influencing and persuading more employers to embed Fair Work. The Scottish Government has been strong in articulating clear expectations that employers should consider Fair Work in their decision-making through the pandemic. However, given the pressures of the pandemic and the recession it has caused, more may need to be done to actively widen engagement in Fair Work from the business community.

Consideration should also be given to how the Scottish Government and other organisations in Scotland might seek to influence decisions made at UK-level, where positive changes here could achieve a more enabling climate for Fair Work in Scotland.

Employers and the business community

RECOMMENDATION 15

Celebrate Fair Work practice among employers during COVID-19.

The Scottish Government should commit resources to publicly recognising and gathering case studies from employers who have sought to uphold and enhance Fair Work practices during the pandemic, to provide examples of how Fair Work principles can be applied, even in a crisis, and to raise expectations among employers and employees about Fair Work.

RECOMMENDATION 16

Continue to make the business case for Fair Work, starting with a 'Fair Work for the Recovery' campaign.

There is an ongoing need to clearly communicate the components of Fair Work, with clear examples of how employers can deliver improvements in job quality through simple steps, linked to evidence of business benefits of doing this, including improved productivity⁶ and staff performance, recruitment and retention.

Leading organisations in Scotland such as the Fair Work Convention and the ProPEL (Productivity Outcomes of workplace Practice, Engagement and Learning) hub at the University of Strathclyde are engaged in translating Fair Work evidence in practice. Recently launched by the Scottish Government and Scottish Enterprise is an online Fair Work Employer Support Tool, intended to complement the Fair Work Self-Assessment Tool for businesses provided by the Fair Work Convention. Moreover, there is an existing ecosystem of employer-facing initiatives and business networks, including the Scottish Business Pledge, CBI Scotland, CIPD Scotland, FSB Scotland, Living Wage Scotland, the Scottish Council for Development and Industry, and the Scottish Chambers of Commerce, which have strong engagement with employers. But the extent to which Fair Work is articulated or emphasised by these organisations differs.

More could be done to build the salience of Fair Work as an issue among business networks and employer-facing organisations in Scotland. Work should be undertaken both from those organisations engaged in the production of Fair Work evidence and from the Scottish Government. As a starting point in a process which will require ongoing engagement and persuasion, the Scottish Government should fund a large scale 'Fair Work for the Recovery' communications campaign, in place for the phased reopening of the economy from the spring.

⁶ The evidence between improved job quality and worker productivity is explored in depth in the Carnegie UK Trust's essay collection *Can Good Work Solve the Productivity Puzzle*.

RECOMMENDATION 17

A renewed focus on the role of line managers in Fair Work.

Awareness that the quality of line management is instrumental in the experience of fair work⁷ has grown alongside an appreciation that our workplaces have many ‘accidental managers’⁸, who have received little or no people management training. The changes in how work is delivered and organised during the pandemic, in virtual workplaces and in physical worksites operating with a renewed focus on infection control, have introduced new challenges and raised the stakes of doing line management well.

We recommend that the Scottish Government commissions a review to assess options for enhancing the current resources and infrastructure available to support individuals and businesses to improve their people management skills. This review should also examine the extent to which Fair Work is emphasised within people management training, resources, and teaching, and whether this could be more strongly embedded⁹.

UK-wide policy

Our report *Good Work for Wellbeing in the Coronavirus Economy* makes a number of recommendations targeted at UK Government to protect, enhance and expand job quality in the context of the pandemic, **including that the UK Government should:**

- **Update on progress of the implementation of their Good Work Plan**, setting out renewed commitment and a timetable for delivery that responds to the urgency of the COVID-19 context.

7 The single most important reason for unhappiness at work is people’s relationship with their manager, according to for example McKinsey & Co, 2019, *Happiness and Work: an interview with Lord Richard Layard*, available from <https://www.mckinsey.com/featured-insights/leadership/happiness-and-work-an-interview-with-lord-richard-layard> Accessed March 2021.

8 According to *Investors in People*, 68% of managers in the UK categorise themselves as ‘accidental managers,’ and 71% of employers say they don’t train their first-time managers.

9 Fair Work in Scotland’s Business Schools, a partnership project between the Warwick Institute for Employment Research and Adam Smith Business School at University of Strathclyde is currently examining the extent to which Fair Work principles feature in business management teaching at university level. The report will be published by the Carnegie UK Trust later in 2021.

- **Bring forward the Employment Bill.** This is expected to legislate for important changes including: advancing flexible working in ways which ‘strikes a balance between employers’ need for flexibility and workers’ need for security;’ rights for workers on variable hours to request a predictable hours contract; and provisions for clarifying, protecting and enhancing workers’ rights, including through the establishment of a single labour market enforcement body.
- **Deliver on its 2024 minimum wage target**, to ensure low paid workers receive the pay rise that they need and deserve.
- **Strengthen the labour market safety net through changes to social security**, most immediately through retaining the £20 coronavirus uplift to Universal Credit.
- **Remove barriers to trade unions as a form of effective voice**, through consideration of how the current restrictions on union access to workplaces could be amended to allow greater rights of access, and by bringing forward their response to the Knight Review on digital balloting for industrial action.
- **Ensure that relevant health and safety and enforcement bodies and campaigns are adequately resourced** to respond to the heightened risks facing workers during the pandemic, including through the delivery of a robust regime around ‘COVID-secure’ compliance and enforcement.
- **Introduce Ethnic Minority Pay Gap reporting.**
- **Complete the task of setting out a new UK-wide measurement framework for job quality**, asking the Office for National Statistics to gather UK wide data that can be disaggregated for use by the devolved governments, building on the recommendations made by the Carnegie UK Trust and RSA Measuring Job Quality Working Group.

RECOMMENDATION

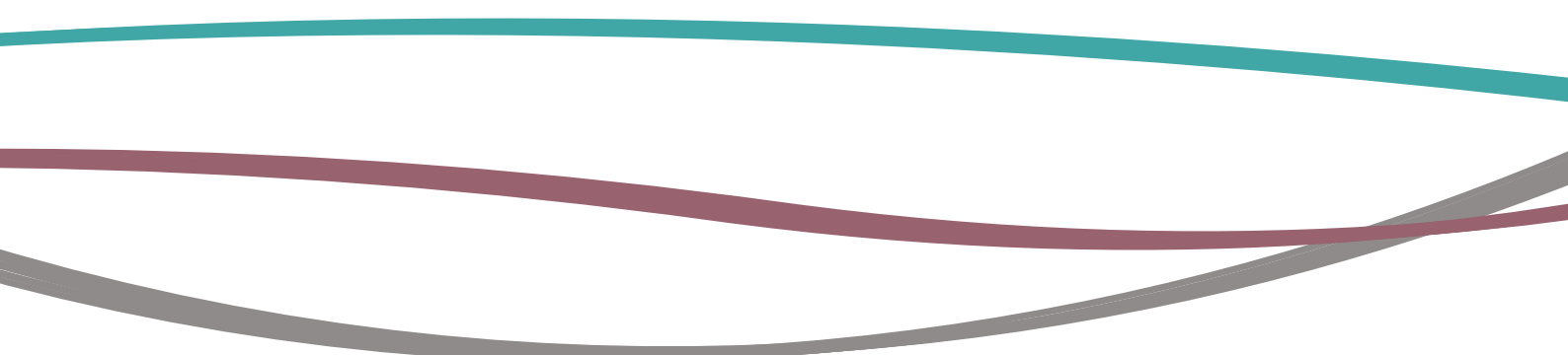
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Press the UK Government for progress on Fair Work.

We encourage the Scottish Government and all relevant Scottish organisations with an interest in advancing Fair Work to continue to work together to sharpen their demands and exert their collective influence to press the UK Government for progress in these areas.



Summary of recommendations

- ★ **RECOMMENDATION 1:** The Scottish Government should continue its leadership on Fair Work.
 - ★ **RECOMMENDATION 2:** Continue to improve how Fair Work is measured in Scotland.
 - ★ **RECOMMENDATION 3:** Continue to focus on disadvantaged workers at the centre of Fair Work plans.
 - ★ **RECOMMENDATION 4:** Continue to implement and evaluate Fair Work First.
 - ★ **RECOMMENDATION 5:** Continue to invest in supporting skills development and re-training which enable Fair Work.
 - ★ **RECOMMENDATION 6:** Accelerate plans to deliver improvements for social care workers.
 - ★ **RECOMMENDATION 7:** Consider how to strengthen the social security safety net.
 - ★ **RECOMMENDATION 8:** Encourage Living Hours.
 - ★ **RECOMMENDATION 9:** Implement plans to increase collective bargaining coverage.
 - ★ **RECOMMENDATION 10:** Address pay inequalities.
 - ★ **RECOMMENDATION 11:** A renewed focus on health and safety.
 - ★ **RECOMMENDATION 12:** Urgently address the increased mental health risks facing health and social care workers.
 - ★ **RECOMMENDATION 13:** Increase support to grow 'Fair Flexibility' in Scotland.
 - ★ **RECOMMENDATION 14:** Assess Effective Voice during the pandemic.
 - ★ **RECOMMENDATION 15:** Celebrate Fair Work practice among employers during COVID-19.
 - ★ **RECOMMENDATION 16:** Continue to make the business case for Fair Work, starting with a 'Fair Work for the Recovery' campaign.
 - ★ **RECOMMENDATION 17:** A renewed focus on the role of line managers in Fair Work.
 - ★ **RECOMMENDATION 18:** Press the UK Government for progress on Fair Work.
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Appendix 1: The Carnegie UK Trust's framework for assessing job quality

As a framework for our analysis in the *Good Work for Wellbeing the Coronavirus Economy* report, which generated many of the findings in this paper, we used a seven dimension 'good work' framework underpinned by 18 metrics. This framework was proposed by a cross-sectoral Measuring Job Quality Working Group convened in 2018 by the Carnegie UK Trust and the RSA, as the basis for UK-wide measurement of good work in the national statistics. See exhibit 1 below.

Exhibit 1

Dimension	Concepts to be measured
1. Terms of employment	1. Job security 2. Minimum guaranteed hours 3. Underemployment
2. Pay and benefits	4. Pay (actual) 5. Satisfaction with pay
3. Health, safety and psychosocial wellbeing	6. Physical health and injury 7. Mental health
4. Job design and nature of work	8. Skills use 9. Control 10. Opportunities for progression 11. Sense of purpose
5. Social support and cohesion	12. Peer support 13. Line manager relationship
6. Voice and representation	14. Trade union membership 15. Employee information 16. Employee involvement
7. Work-life balance	17. Over-employment 18. Overtime

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