

FAIR WORK DURING THE TRANSITION OUT OF LOCKDOWN: A JOINT STATEMENT

COVID19 continues to present the biggest challenge we have faced in our lifetimes and is affecting our daily lives, including our work. The measures we take to deal with it must reflect its magnitude. Collectively we have taken unprecedented steps to shut down much of the economy in order to protect public health and suppress the virus, and protecting everyone's safety must continue to be the priority.

We do not underestimate the significant challenges employers and workers continue to face as our economy re-opens. Over the course of this crisis we have been impressed by the agility and resilience employers and workers have adopted to protect the lives and livelihoods of people across Scotland.

Adopting Fair Work practices has helped to guide employers and workers in agreeing fair and flexible working practices. We have already seen the value of this approach to decision making in responding to the crisis so far, and the efforts being made across all sectors is hugely appreciated. We need a continuing partnership, working in the national interest, to get through the coming months and beyond - a partnership that involves business and other organisations across the public, private and third sectors, trade unions and all workers; supported by the advice of the Fair Work Convention.

Applying Fair Work practices in re-starting the economy

Fair Work is work that offers all individuals an effective voice, opportunity, security, fulfilment and respect. It balances the rights and responsibilities of workers and employers. We expect employers and workers to follow public health and health and safety guidance and to engage on an ongoing basis, through trade unions or, if these are not present, representatives chosen by workers, to ensure the right decisions about workplace issues are reached.

Scotland is rightly proud of its reputation as a leader on Fair Work and in these exceptional times, adopting a Fair Work approach is more important than ever. Scotland's success as an economy is built on a shared endeavour between workers, unions and employers and we must continue working together to make the right decisions to protect workers and public safety, keep people in jobs and get the economy going again.

The unprecedented package of support from both the Scottish and UK Governments has helped many employers preserve their business, maintain jobs and pay their workers throughout this crisis; further information is available at findbusinesssupport.gov.scot. This support and guidance is based on what we have learned through listening to, and working with our partners. It includes [sectoral guidance, guidance for small businesses](#) and advice from [Healthy Working Lives](#), and the Equality and Human Rights Commission to help workers and employers as the restrictions are gradually relaxed.

We continue to have high expectations of how fair working practices should be adopted as the economy continues to re-open. This includes:

- **Facilitating effective employee engagement**

Giving workers a clear voice in workplace decisions ensures meaningful consultation and communication. In this regard, workers should have effective voice channels, including through their trade unions, for maintaining constructive dialogue with their employers.

- **Supporting all workers to follow public health guidance.**

Public health guidance is updated regularly; it is there for a reason - to help save lives – and above all else employers should support workers to follow it. The [Test and Protect programme](#) will require workers and employers to monitor their own health closely and to isolate in accordance with guidance. No one should feel under pressure to breach public health advice and workers should not be put at risk, nor should they put others at risk of infection. The success of Test and Protect depends on employers supporting workers to self-isolate when advised to do so, without any financial detriment.

- **Paying workers while they are sick, self-isolating or absent from work following medical advice relating to COVID-19**

No worker should be financially penalised for following medical advice. Any absence relating to COVID-19 should not affect future sick pay entitlement or other entitlements like holiday or accrued time. It should not result in formal attendance related warnings or be accumulated with non-covid related absences in future absence management figures. This may require flexibility in standard absence/attendance management arrangements.

- **Facilitating flexible working arrangements, including homeworking**

Homeworking is a vital part of the public health strategy, and remains the default position wherever possible. Supporting flexibility is crucial, given the exceptional strains some workers will be experiencing. This will be critical for some disabled workers, and for those with caring responsibilities – particularly women - to whom the balance of caring still too often falls. Employers should offer homeworking and other flexible working arrangements which help people to balance work with care whilst protecting incomes and mitigating health risks. Individual health circumstances should be considered through effective risk assessment, and discussed with employees, giving particular attention to those in high risk groups, vulnerable or shielded workers, or those living in vulnerable or shielded households. Flexible working practices benefit both employees and employers by raising or sustaining productivity, staff morale and loyalty which can support business and the economy in these uncertain times.

- **Protecting the health and safety of all workers – at work and traveling to and from the workplace**

All workplaces should be COVID-secure, adhering to Health & Safety regulations and taking account of sectoral guidance. It is essential that employers carry out a

COVID-19 risk assessment, developed where possible in consultation with union health and safety representatives. For workplaces without union representation, trade unions can make their representatives available to support the development of workplace risk assessments upon request. Particular attention should be given to workers who are disproportionately at risk due to underlying health conditions or the role they carry out. Workers who cannot work from home should have flexibility to ensure they can travel safely to and from work.

- ***Providing workers with clear and comprehensive information on managing work-related risks***

Workers need to be aware of and have access to workplace guidance and procedures, including on the management of self-isolation and sickness absence. Workers need to know clearly and simply what their responsibilities are and also their employer's legitimate expectations of them.

- ***Protecting the position of all workers, regardless of the nature of their employment.***

Employers should seek to minimise detriment to fixed term, hourly paid or irregular contract staff, while temporary agency workers and self-employed contractors should be treated as if they were employees during the current health crisis.

Fundamentally, employers should look to maintain jobs, pay their workers, and work with them throughout the crisis; continuing to make use of Scottish and UK Government support to achieve this.

As an employer, the Scottish Government is modelling fair working practices. A protocol between the Scottish Government and the civil service unions has been developed on how they will work together during the coronavirus crisis. This sets the expectations for an approach to be taken across the civil service sector and promoted more widely across the public sector and beyond.

The national endeavour to get us through this health crisis requires an on-going and unprecedented economic response shared collectively, deliberately and with purpose - by unions, businesses, the public and voluntary sectors, workers and the public.

Fiona Hyslop

Fiona Hyslop
Cabinet Secretary for Economy, Fair Work and Culture



Scottish Government
Riaghaltas na h-Alba
gov.scot



**Councillor Gail Macgregor,
COSLA Resources Spokesperson**



COSLA



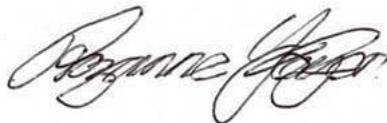
**Malcolm Cannon
National Director, Institute of Directors, Scotland**



**Sara Thiam
Chief Executive, Scottish Council for Development and Industry**



**Anna Fowlie
Chief Executive, Scottish Council for Voluntary Organisations**



**Rozanne Foyer
General Secretary, STUC**

