

# Consultation on Scotland Becoming a Fair Work Nation

October 2021

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## Ministerial foreword



As Minister for Just Transition, Employment and Fair Work, I am pleased to launch this public consultation on Scotland becoming a Fair Work Nation.

The Scottish Government's vision, shared with the Fair Work Convention, 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.

The COVID-19 pandemic and EU exit mean it is the right time to reassess the challenges, barriers, and actions to achieving our vision. In this regard, our collective response to both EU Exit and the pandemic has highlighted the importance of our continued partnership working across government and with all our stakeholders. While the impacts of the pandemic continue to be felt, we must continue to focus on the particular inequalities that continue to blight our society and our workplaces – eradicating poverty and discrimination, and ensuring opportunity is never limited by economic or social circumstance. We are determined that the Scotland that emerges from the COVID-19 pandemic is more progressive, more inclusive and more equal, and that people and communities feel valued, included and empowered.

As we rebuild, we are pushing forward with an ambitious 10 year agenda of economic transformation to help seize and realise Scotland's potential and we will continue to work towards an economy with Fair Work at its heart.

Working with our agencies, with unions, businesses and the third sector, through our labour market action plans on [Fair Work](#), [Gender Pay Gap](#), [Disability Employment](#), and [Race Recruitment and Retention](#), significant progress has been made to advance Fair Work.

- Scotland has proportionately five times as many accredited Living Wage employers than in the rest of the UK.
- Gender pay gap figures are currently the lowest on record.
- The Scottish Government has attached Fair Work First criteria to over £2.4 billion of public funding since 2019.
- Fair Work remains central in our landmark agreement with the Scottish Green Party. Through this agreement we will strengthen our conditionality approach, to make paying at least the real Living Wage and providing appropriate channels for effective voice, such as trade union recognition, a requirement of public sector grants.

The next few years are critical in ensuring we make the progress needed to achieve this vision and meet the changing needs of our economy and workers. We are on a journey to becoming a Fair Work Nation and we can only get this right with your support and collaboration. Through this consultation, you are invited to share views on the action you think needs to be taken to achieve our vision, and who needs to lead and support that action, considering the challenges and opportunities in your sector and your workplace.

We are also seeking your views on what additional levers and measures should be used to make Scotland a Fair Work Nation, and how we ensure Fair Work continues to evolve to not only meet our social and economic ambitions, but also to respond to an evolving labour market. The information we receive through this consultation will be used to update our labour market action plans in early 2022.

**Richard Lochhead MSP**

Minister for Just Transition, Employment and Fair Work

October 2021

## What is Fair Work?

Fair Work is central to our economic strategy: it is good for workers, good for employers and good for Scotland. As employment law is reserved to Westminster, the Scottish Government is unable to improve statutory rights and protections for workers. However, we are committed to using all the levers that are available, for example, through our public spend, as well as promotion through every relevant policy agenda to drive the fair work practices we want workers in Scotland to experience, promoting actions beyond the minimum statutory employment rights and protections.



Fair Work is one of the outcomes in our [National Performance Framework](#), and key to driving economic recovery and renewal, and our just transition to a net-zero wellbeing economy. It goes beyond compliance with statutory employment rights and protections and seeks to unlock the benefits of high quality work for both employers and workers. The [Fair Work Convention's Framework](#) says that Fair Work offers all individuals an effective voice, opportunity, security, fulfilment and respect; that balances the rights and responsibilities of employers and workers that can benefit for individuals, organisations and society.

If you would like to find out more about Fair Work in your workplace, you may wish to complete the relevant tool:

- **Workers** can complete the [Self-Assessment Tool](#), developed by the Fair Work Convention. It is designed to help workers make an assessment of their own experience of Fair Work and suggest actions they can take to improve on it.
- **Employers** can complete the [Fair Work Employer Support Tool](#), developed by Scottish Enterprise, in conjunction with the Scottish Government, the Fair Work Convention and other partners. It is designed to help employers understand and fully embed the dimensions of Fair Work.

## Context

The right to just and favourable conditions of work, including remuneration, is established in the [United Nation's Universal Declaration of Human Rights](#), and as such the Scottish Government's commitment to Fair Work is steadfast. This commitment is demonstrated through Fair Work outcomes in our National Performance Framework and is why Fair Work underpins our approach to economic and labour market policies. Fair Work is a journey which requires a culture and values shift in our approach to work and workplaces and many businesses and other employers are at the forefront of that transition to a new model of success. In collaboration with employers, promoting, delivering, and sustaining Fair Work for

everyone is an enduring principle of the Scottish Government and our shared approach and priorities at national and workplace level will need to adapt as we progress along this journey.

The long-term impacts of the COVID-19 pandemic on the labour market are potentially significant, particularly for our ways of working, and our health and wellbeing. We know that meaningful, Fair Work can provide important benefits for people's mental health and wellbeing. In our [Mental Health: Transition and Recovery Plan](#) we have committed to working closely with stakeholders, including trade unions and employer groups, to promote mentally healthy workplaces where mental health and wellbeing is meaningfully discussed, promoted and supported, and where stigma and discrimination are addressed. In addition to this, our [Covid Recovery Strategy](#)<sup>1</sup> will bring together the actions we will take across government and with partners in the next year to address the impact of the pandemic on those hardest hit in our country. It will take a focused approach to support for families and households on low incomes, setting out the training and employment support available for those furthest from the labour market and how we will support the wellbeing of children and young people, who we know have been significantly affected by the pandemic. Government, employers and unions must embrace what we have learned to facilitate and encourage the positive working practices that have emerged. There are of course a number of other significant factors continuing to shape our economy and society, notably: EU Exit, tackling climate change, changing demographics and the impact of technological change such as increased automation. All of these impact on the labour market, work, on workers and on workplaces.

Beyond this, many organisations are adapting to changes in demographics, working patterns, skills needs and technological trends, forcing employers to invest, adapt and be more productive. We will work in partnership with employers, unions, representative organisations across all sectors, and the Fair Work Convention to ensure Scotland remains at the forefront of progressive policy thinking and action around Fair Work. Our approach is built on public and private sector leadership, collaboration, and using our strategic influence by working across government and with key cross-sector partners to drive Fair Work. Central to this approach will be the new National Strategy for Economic Transformation, which will set out policies to deliver greater, greener and fairer prosperity. Just transition plans, for industry, regions and communities, will also be aligned to support the delivery of this strategy.

### **What does a Fair Work Nation look like by 2025?**

The Scottish Government believes Fair Work should be available for all workers and is a mechanism for improving the productivity and success of all employers. The Fair Work Convention is clear that Fair Work is key to creating productive and innovative workplaces that deliver worker wellbeing ([Case Studies](#)).

Government and its agencies, employers, workers and their unions or other representatives all have a role to play in making Scotland a Fair Work Nation. Fair Work supports both economic and social policy and, therefore, benefits people and communities as much as employers and the economy. Our wellbeing economy will be built on the principles of sustainable economic growth, tackling inequalities, and

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<sup>1</sup> Available from 5 October 2021

delivering a green recovery to meet our climate change targets and wider environmental objectives. Employers are the engine room of our jobs and growth prospects, whether small, medium or large organisations, social enterprises or not for profit, and we will continue to work with them to create the conditions needed to deliver on our collective ambitions.

How workers experience work has implications beyond the workplace and throughout life. Fair Work means increased financial security, and better physical health and mental wellbeing. It means equal opportunities at work, including to learn and develop and progress, and to enjoy a culture and environment free of bullying and discrimination, helping people live more fulfilling lives. We know that the best decisions for workers and employers are those made collaboratively. We know that jobs providing security of work, hours and income, reduce inequality. They enable people to exercise choice and control over their lives and reduce stress. More than this, Fair Work will mean different things to different people at different points in their working lives. As labour market and workplace needs evolve, everyone should continue to be able to get and keep a good job and progress in their career and provide the foundation for a secure and satisfying retirement.

Fair Work is also a model for innovation and success, with many employers in Scotland already implementing Fair Work practices, providing safe and secure working environments and promoting positive workplace cultures where staff are engaged and have their voices heard. Evidence makes clear that employers will reap the benefits of a fairly rewarded, respected, engaged, committed, diverse and more agile workforce, through improved recruitment and retention, performance, innovation and productivity ([Case Studies](#)). Ensuring workers feel valued, respected and supported can improve wellbeing and help an organisation become an employer of choice. Fair Work supports a more committed, better skilled and adaptable workforce who can spot challenges and opportunities, solve problems, offer insight and ideas for improvement, therefore creating real value<sup>2</sup>. This will be particularly important as we make the changes required to transition to a net-zero carbon economy, ensuring that change is fair for Scotland's workforce.

Working with our partners, through delivery of our existing labour market action plans on Fair Work, Disability Employment, Race Employment, and Gender Pay Gap, by 2025 we know we will want to see:

- Improvements across key issues such as employment and pay gaps for women, minority ethnic and disabled workers, security of income and hours, and increased collective bargaining, with progress to be measured through the indicators in the [Fair Work Convention's measurement framework](#) and the [National Performance Framework](#).
- The full roll-out of Fair Work First criteria across the Scottish public sector, to help improve the working conditions for those delivering our public services. By Summer 2022, we will introduce a requirement on public sector grants recipients to pay at least the real Living Wage to all employees.

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<sup>2</sup> [Happy employees and their impact on firm performance | LSE Business Review](#): Analysis published by the London School of Economics' Centre for Economic performance in 2019 found that across a large number of sectors and economies, higher employee wellbeing is associated with higher productivity and firm performance - including customer loyalty, profitability and staff turnover.

- Improved effective voice for workers through appropriate mechanisms, including increased trade union membership and collective bargaining coverage; with targeted actions towards developing coverage across under-represented sectors, specifically social care; early years and child care; hospitality; and construction.
- Reduced pay gaps and increased career opportunities for women, minority ethnic and disabled workers that will improve their incomes and build a more diverse and skilled workforce.
- Better pay and conditions and job security for all, with more options for flexible and family friendly working.
- Improved worker wellbeing and safer workplaces which reduce accidents during work.
- An agile skills system that helps people throughout their career and responds to changing workplace needs, based on a shared investment between employers, employees and government.

## What we have achieved

Scotland has made significant progress on Fair Work and has a lot to be proud of. The [Fair Work Convention's Framework](#) underpins the Scottish Government's approach to Fair Work. Although the Fair Work Convention's [Fair Work in Scotland Report](#) (December 2020) does not account for the impact of the pandemic, it does indicate that progress has been made on key issues like the disability employment gap, youth unemployment, gender and ethnicity pay gaps, secure employment and collective bargaining.

### Fair Work First

In the absence of powers over employment law (which are reserved to Westminster), we are continuing to use all levers we do have to drive the change we want to see. Fair Work First is the key mechanism for driving Fair Work practice, using public sector investment to drive change.

Since 2019, the Fair Work First criteria have already been applied to over £2.4bn worth of public sector funding, including £619.8m of procurements.

Through Fair Work First we are applying Fair Work First criteria to public sector grants, other funding and contracts, encouraging employers to adopt fair work practice by committing to:

- appropriate channels for effective voice, such as trade union recognition
- investment in workforce development
- no inappropriate use of zero hours contracts
- action to tackle the gender pay gap and create a more diverse and inclusive workplace
- payment of the real Living Wage
- \*offer flexible and family friendly working for all workers from day one of employment
- \*oppose the use of fire and rehire practice

\*Note: the last two criteria are new and are effective from October 2021.

Our Fair Work First approach is being rolled out across the public sector and implementation is supported by [guidance](#) and an employer support [tool](#). We have published statutory guidance supported by best practice guidance and a toolkit for procurement. We will strengthen our conditionality approach, to make paying at least the real Living Wage and providing appropriate channels for effective voice, such as trade union recognition a requirement of public sector grants.

### Real Living Wage

The Scottish Government is committed to the real Living Wage as it provides pay based on a minimum income needed for an acceptable living standard. Fair Pay is fundamental to Fair Work, and we continue to provide support to the Poverty Alliance to enable them to deliver the Scottish Living Wage Employer Accreditation Scheme to increase the number of employees receiving the real Living Wage. The Scottish Government fully support payment of the real Living Wage and the real benefits to our economy of treating people who work more fairly. Many employers have gained [Living Wage employer accreditation](#), recognising their commitment to paying their workers the real Living Wage. Scotland now has over 1.9 million workers receiving at least the real Living Wage (84.8% of employees aged 18+).<sup>3</sup>

There are currently over 2,000 Scottish Living Wage accredited employers – up from 14 in 2014.

Delivering on a ‘first 100 days’ manifesto commitment and further improving security in pay, work and hours, we are also now supporting the independent Living Hours Accreditation Scotland scheme. The scheme recognises that in addition to payment of the real Living Wage, the number and frequency of work hours are critical to tackling in-work poverty. Businesses have to pay the real Living Wage, provide a contract reflecting accurate hours worked with a guaranteed minimum of 16 hours a week (unless the worker requests otherwise), and ensure at least 4 weeks’ notice of shifts and guaranteed payment if shifts are cancelled within this period.

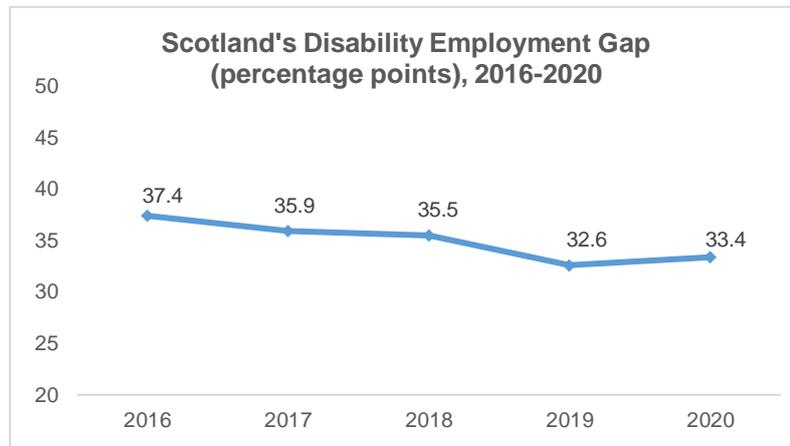
### Disability Employment Gap

Between 2016 and 2019, Scotland’s disability employment gap reduced each year. The progress achieved over this time was due to the employment rate of disabled people rising faster than non-disabled people. Although the gap widened in 2020, likely affected by COVID-19, we remain on course to meet our overall ambition to at least halve the disability employment gap by 2038. The Scottish Government and partners have focused on three key priorities: supporting disabled people to enter employment; supporting employers to recruit and retain disabled people; and young people and transitions. This includes: funding the establishment of a Public Social Partnership to better support employers to recruit and retain disabled people (delivering sessions to 230 organisations and 1,120 employee representatives this year); developing the Scottish Government’s own [Recruitment and retention plan for disabled people](#); providing support to disabled people through [Fair Start Scotland](#), with 43% of participants identifying as disabled; and initiating a trial of [Principles into](#)

<sup>3</sup> Source: Annual Survey of Hours and Earnings 2020, ONS. Notes:

1. Covers employees aged 18+ on the PAYE system on adult rates and whose pay was not affected by absence. Estimates for 2020 include employees who have been furloughed under the Coronavirus Job Retention Scheme (CJRS).
2. Levels calculated using low pay calibration weights in line with ONS guidance.
3. Hourly earnings excluding any overtime payments.

[Practice](#) in 10 participating local authority areas to improve transitions support for disabled young people and those with additional support needs.

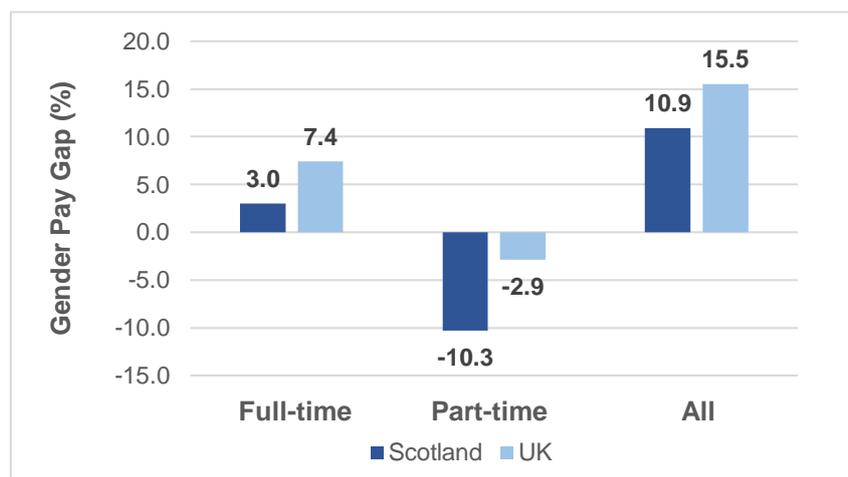


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### Gender Pay Gap

The median gender pay gap for all employees in Scotland fell from 14.4 per cent in 2019 to 10.9 per cent in 2020, lower than the UK (15.5 per cent). The gender pay gap for full-time employees in Scotland fell from 7.2 per cent in 2019 to 3.0 per cent in 2020 and in the UK it fell from 9.0 per cent to 7.4 per cent. The median gender pay gap for full-time employees in both Scotland and the UK has decreased over the year due to the median hourly earnings (excluding overtime) for women increasing at a faster rate than the median hourly earnings (excluding overtime) for men.

The latest gender pay gap figures are the lowest on record and show that Scotland is still outperforming the UK as a whole.



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As part of taking steps to empower women, we will continue to work in partnership with the Scottish agricultural industry to bring forward measures to support women working in Scottish agriculture; through developing and expanding their skills and

<sup>4</sup> Annual Population Survey Jan-Dec 2016 to 2020

<sup>5</sup> [Scottish Government analysis of Annual Survey of Hours and Earnings](#)

talents and supporting resilient and adaptive businesses into the future. This Financial Year we have committed £300,000 and during the course of the current parliament we will double this funding up to £600k to deliver a range of measures including the creation of the Skillseeder app for land based skills sharing to enable more participation in rural and land-based training; and the women in agriculture practical training fund.

### Race employment

To address disparities in employment, we have taken and continue to take forward a number of measures to support our outcome of ensuring minority ethnic people can access, stay in or progress in employment. We have delivered the [Public Sector Leadership Summit on Race Equality in Employment](#), which produced a [Joint Commitment](#) pledging Scottish Government

Through the Workplace Equality Fund, we have funded 24 projects with a collective funding of over £355,000, to support employers to focus on equality issues faced by minority ethnic workers.

and public authorities take action to tackle racial inequality in the workplace. To date the commitment has been publicly endorsed by 28 public bodies. We have also published the [Minority Ethnic Recruitment Toolkit](#) to support employers in recruiting from minority ethnic communities. Our Workplace Equality Fund also supports women, the over 50's workforce and disabled people, through an additional 34 projects. In total over 290 private businesses have benefitted from support with recruitment practices, workplace guidance, and through sharing best practice. Over 3500 staff have participated in training sessions along the way, and the fund continues to remove labour market barriers and help priority groups to enter, remain and progress in employment.

### **Further progress**

We are on a journey to becoming a Fair Work nation and the next few years are critical in ensuring we make the progress needed to achieve our vision, and meet the changing needs of our economy and workplaces. The Fair Work Convention's [Fair Work in Scotland Report 2020](#) sets out that more needs to be done to provide flexible working, reduce zero hours contracts, improve skills utilisation and participation in the workplace. In addition, the labour market has changed since 2019 and will continue to change in light of the impacts from the COVID-19 pandemic, EU exit, the ongoing climate crisis, demographic change and the impact of technological change, such as increased automation. As well as our Fair Work approach being central to our Covid Recovery Strategy and the ten year National Strategy for Economic Transformation, we will continue to focus on:

### Public sector leadership

The Scottish Government will continue to provide leadership on this agenda, as an employer, and through our policies. We will continue to work with the public sector to drive Fair Work First adoption and promotion. We will work in partnership with employers, unions, local authorities and other stakeholders to ensure that by 2025 Fair Work conditions are applied to the scoring criteria for all public sector funding, where it is proportionate and relevant to do so under current legislation. We believe that the stimulus and public sector funding government provides should lever in wider benefits, such as the promotion of Fair Work and the just transition to a net-

zero economy, in order to support the development of a sustainable economic recovery and a successful wellbeing economy over the long term. By using all the levers available to us, including conditionality and targeted funding, we will promote effective voice mechanisms including union membership, promote the increase of the number of people paid at least the real Living Wage and receiving secure contracts, work to eliminate pay and employment gaps, increase job retention, job satisfaction and productivity, and increase the number of businesses demonstrating responsible and ethical business practices.

Beyond this, Fair Work will be woven right through the National Strategy for Economic Transformation, such is the importance of Fair Work practices to our economic recovery and renewal. Actions taken to progress Fair Work will also complement the policy development for the new Human Rights Bill, to be introduced in this Parliamentary session. The Bill will incorporate into domestic law, as far as possible within devolved competence, the United Nations International Covenant on Economic, Social and Cultural Rights, alongside three international human rights treaties for the empowerment of women, disabled people and minority ethnic people. We will also seek to maintain alignment where possible with EU legislation, policy, and standards, through primary and secondary legislation and through the powers granted under the UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021. This approach will aim to ensure that Scotland is able to continue to enjoy and advance the high standards of regulation that we enjoyed as a part of the EU (in compliance with existing law), and ensure ease of market access and ease the process of Scotland re-joining the EU in the future.

#### Key sectors

We will continue to support key sectors of the economy where progress should be made to improve fair working practices, including those identified by the [Fair Work Convention](#), and we will continue to promote Fair Work in other areas where focused improvement is needed.

The Scottish Government believes that the single most important driver of quality of a child's early learning and childcare (ELC) experience is a high quality workforce. [Promotion of fair work practices](#) are a key way of supporting this, and all providers delivering ELC must demonstrate a commitment to adopting and demonstrating fair work practices in their setting. To support this commitment to Fair Work all private and third sector providers delivering funded ELC receive a sustainable rate of funding, to enable payment of at least the real Living Wage to all childcare workers delivering the funded entitlement.

We will continue to work with the social care sector to drive fair work practice in line with the recommendations from the [Independent Review of Adult Social Care](#) and the Fair Work Convention's report on [Fair Work in Scotland's Social Care Sector](#). Improving Fair Work practice within the Adult Social Care sector is fundamental to long term improvements not just for those who work within social care, but also for those who they support. Acting on the recommendations from both reports, we will create a National Care Service to oversee the delivery of care, improve standards, ensure enhanced pay and better conditions for workers, and provide better support for unpaid carers.

In construction, the Scottish Futures Trust and Construction Scotland are leading work to develop a Construction Accord in line with Scottish Government priorities. The concept of a Construction Accord was a recommendation of the Infrastructure Commission for Scotland in its [Phase 2 report](#). The Accord, due to be published Autumn 2021, will comprise of a shared vision for the industry as a vibrant part of the Scottish economy, including a strong commitment to fair work practices that will help create more diverse and inclusive workplaces, where workers have greater security of pay and contract, can develop their skills and have an effective voice in the workplace.

### Further powers

More could of course be achieved if employment law powers were devolved to the Scottish Parliament. These powers would enable the Scottish Government to enhance workers' rights and help shift the curve on poverty and deliver a fairer, greener and more prosperous Scotland. As a minimum, we could ensure all workers in Scotland receive at least the real Living Wage – a wage that represents the true cost of living. We could outlaw fire and rehire tactics, prohibiting employers from dismissing employees and re-employing them on diminished terms and conditions; and we could ban the inappropriate use of zero hour contracts, giving people certainty about their working hours and pay. However, these levers are currently unavailable to the Scottish Government as the UK Government retains reserved powers in respect of employment law generally.

### **Beyond 2025**

2025 is a milestone for Fair Work, not the end point and we will continue to benchmark our progress against other Fair Work and wellbeing economy focused nations. Our labour market and workplaces will continue to evolve due to internal and external factors and it will be vital for employers, workers, government and others to continue to engage to respond to these. A continuing partnership approach between government, employers, workers and unions will be required to ensure collective leadership and action to keep Fair Work at the heart of our inclusive economy and our just transition to net-zero.

In delivering the new National Strategy for Economic Transformation, we will continue to focus on Fair Work, to ensure we create a society that is thriving across economic, social and environmental dimensions. We must seize Scotland's potential and build an economy for everyone by delivering greater, greener and fairer prosperity. Getting this right will combat poverty, will lead to better health and social outcomes, and will generate the public revenue to invest in the best possible public services. Putting Fair Work and wellbeing at the heart of our economy is not just morally the right thing to do, it also unlocks creativity and confidence which helps employers attract talent to Scotland, innovate and grow, making them and the country more attractive and globally competitive.

# Measuring success

Fair Work sits at the heart of [Scotland's National Performance Framework](#) and links clearly to the [United Nation's Sustainable Development Goals](#).



## Key UN Sustainable Development Goals

-  1. No poverty
-  2. Zero hunger
-  3. Good health and well-being
-  4. Quality education
-  5. Gender equality
-  8. Decent work and economic growth
-  9. Industry, innovation and infrastructure
-  10. Reduced inequalities
-  11. Sustainable cities and communities
-  12. Responsible consumption and production
-  13. Climate action
-  16. Peace, justice and strong institutions

## National Outcomes

-  **Economy:** We have a globally competitive, entrepreneurial, inclusive and sustainable economy
-  **International:** We are open, connected and make a positive contribution internationally
-  **Poverty:** We tackle poverty by sharing opportunities, wealth and power more equally
-  **Communities:** We live in communities that are inclusive, empowered, resilient and safe
-  **Children & young people:** We grow up loved, safe and respected so that we realise our full potential
-  **Education:** We are well-educated, skilled and able to contribute to society
-  **Fair work & business:** We have thriving and innovative businesses, with quality jobs and fair work for everyone
-  **Health:** We are healthy and active
-  **Environment:** We value, enjoy, protect and enhance our environment
-  **Culture:** We are creative and our vibrant and diverse cultures are expressed and enjoyed widely
-  **Human rights:** We respect, protect and fulfil human rights and live free from discrimination

These measures will allow us to track key indicators of success across the five dimensions of fair work, with the Fair Work Convention's Measurement Framework providing a more detailed picture of progress across all aspects of Fair Work, helping us to evaluate our policies. In addition to this, we are committed to evaluating the adoption of our Fair Work First approach and criteria, and the effectiveness of the Fair Work First guidance.

We will report annually on the progress we are making on the actions within our action plans; in the planned refresh of our action plans, we will consider what further outcomes and outputs are necessary to keep fair work practices at the heart of the economy and make Scotland a Fair Work Nation.

<b>Fair Work Convention Measurement Framework</b>					
<b>Opportunity</b> 	<b>Respect</b> 	<b>Security</b> 		<b>Fulfilment</b> 	<b>Effective Voice</b> 
Disability and ethnicity Employment gaps	Work-related ill health and disease	Secure employment	Hours of unpaid overtime	Employer provided training	Trade union membership
Youth unemployment rate	Working days lost to ill health and disease	Permanent employment	Median gross weekly earnings	Workplace learning	Trade union presence
Gender economic activity gap	Stress, anxiety or depression caused by work	Underemployment (hours insufficiency)	Real living wage	Type of training	Collective bargaining (reported by employees)
Economic inactivity	Working days lost due to stress, depression or anxiety	Involuntary non-permanent work	Gender, disability and ethnicity pay gaps	Training duration	Collective bargaining (reported by employers)
Access to flexible working	Workplace injury	Involuntary part-time work	Zero hours contract	Skills underutilisation	
Vertical and horizontal occupational segregation	Working days lost as a result of workplace injury	Involuntary self-employment	Average tenure	Skill shortage vacancies	
	Fatal injuries				
<b>Gaps in Data</b>					
Career progression	Discrimination, harassment and bullying	Sick pay entitlement		Autonomy, problem solving, work intensity	Adequate channels for employee to communicate, influence and negotiate

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<sup>6</sup> The Fair Work Measurement Framework sets out indicators of Fair Work which can be measured using existing data sources. These represent workplace practices and can be improved at an organisational level. The Measurement Framework is designed to monitor progress towards Scotland becoming a Fair Work Nation by 2025. Source: [Fair-Work-in-Scotland-Report.pdf](https://www.fairworkconvention.scot/fair-work-in-scotland-report.pdf) ([fairworkconvention.scot](https://www.fairworkconvention.scot))

## Consultation questions

### FAIR WORK IN YOUR SECTOR

1. What is the main sector you work in or represent?  
[DROP DOWN LIST]  
[ANSWER REQUIRED]

Sector	Please select main sector
Accommodation and food service activities	
Activities of extraterritorial organisations and bodies	
Activities of households as employers; undifferentiated goods and services-producing activities of households for own use	
Administrative and support service activities	
Agriculture, forestry and fishing	
Arts, entertainment and recreation	
Construction	
Education	
Electricity, gas, steam and air conditioning supply	
Financial and insurance activities	
Human health and social work activities	
Information and communication	
Mining and quarrying	
Other service activities	
Professional, scientific and technical activities	
Public administration and defence; compulsory social security	
Real estate activities	
Sewerage, waste management and remediation activities	
Transport and storage	
Water supply	
Wholesale and retail trade; repair of motor vehicles and motor cycles	

2. What are the main opportunities for adopting fair work practices in your sector?
3. Please explain how you think these opportunities can be maximised in your sector?

4. What are the main challenges to adopting fair work practices in your sector?
5. Please explain how you think these challenges might be overcome, including your ideas on any specific interventions and support needed in your sector?

#### **FAIR WORK IN THE CURRENT ECONOMIC CONTEXT**

6. What do you believe are the barriers to delivering Fair Work given the current economic challenges in Scotland?
7. What do you believe are the opportunities for delivering Fair Work in the current economic climate in Scotland?

#### **FURTHER ACTIONS TO DELIVER FAIR WORK**

8. Please set out any further actions you think the Scottish Government should take to deliver Fair Work for everyone. This may include for example any further support you think is needed.
9. Please set out any other actions you think are required to deliver Fair Work for everyone, including who should take this action.

#### **FAIR WORK AND EMPLOYMENT POWERS**

10. If Scotland had full control over employment law, which issues would you like to see addressed as a priority in order to deliver fairer work in Scotland?

#### **FURTHER IDEAS**

11. What is the most important thing that you or your organisation can do to help Scotland become a Fair Work Nation?
12. Please use the box below to tell us about anything else relevant to Scotland becoming a Fair Work Nation and any further ideas you might have on the action that will be needed to achieve this.

## Responding to this consultation

This consultation was launched on 1 October 2021 and will run until 23 December 2021. You can submit a response at any time before the closing date. To give us your views, please access and respond to this consultation online at [Becoming a Fair Work Nation](#). There are no restrictions on who can respond to the consultation. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date.

If you are unable to respond using our consultation hub, please complete the

Respondent Information Form to:

Becoming a Fair Work Nation Consultation  
Fair Work Unit  
6<sup>th</sup> Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

### Respondent Information Form

The Respondent Information Form can be found within the supporting documents section.

### Handling your response

If you respond using the <https://consult.gov.scot/>, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. (see supporting files)

To find out how we handle your personal data, please see our [privacy policy](#).

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

**Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or to:

[fairworkvision@gov.scot](mailto:fairworkvision@gov.scot)



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