WHAT NEEDS TO CHANGE TO MAKE WORKING IN TRANSPORT FAIRER?
PRESENTATION ON 15 NOVEMBER 2023 BY DAVE WATSON

Introducing Dave Watson, Derek Halden recalled that our speaker had been Head of Policy and Public Affairs with Unison in Scotland for 28 years and was currently Director of the Jimmy Reid Foundation. Dave had trained in Scots law with an LL.B from the University of Strathclyde and was a prolific writer on policy issues including books on military history. Hs work for the Christie Commission in 2011 had set an agenda for the future delivery of public services in Scotland.

The Journey to Fair Work had begun in the early days of the Scottish Parliament, via a memorandum of understanding with the STUC that envisaged a different approach to industrial relations, embracing the Scottish Living Wage and related procurement and supporting the Working Together Review and a Commission led by STUC general secretary Campbell Christie. The Fair Work Convention of 2015 was followed by an Agreement that led to Fair Work First 2018 in procurement and to grants in 2023. National Performance Indicators provided a voice that was refined for collective bargaining, but the voluntary Scottish Business Pledge gained only a low take-up. The Fair Work Action Plan prompted sector enquiries, extending procurement requirements, and an attempt was made to support Inward Investment only on condition that a living wage was payable.

An examination of working life in Scotland has revealed progress on the living wage but continued prevalence of low pay and poor working conditions. The Chartered Institute of Professional Development report on Scottish working lives found challenges to mental health with overworked staff, low pay and lack of an effective workers' voice, while Citizens Advice Scotland drew attention to low incomes and unfair conditions. The Scottish Affairs Committee found instances of insecure work, picked up also by the Learning and Work Institute which however found pay improvement and increased trade union membership. The Carnegie Trust drew attention to the impact of pandemic-exacerbated factors, while Creative Scotland

explored a particularly challenging sector. The Institute of Public Policy Research in Scotland highlighted insecure work, but trades union campaigns invoking Fair Work got only a mixed response. Of course, not every worker was impacted equally, with women, the young and the protected experiencing different characteristics.

For his study co-funded with the Alex Ferry Foundation, Dave interviewed trade union representatives by a mixture of in-person, online and focus groups. On the experience of Fair Work, he found good recognition in the public sector but slightly less in the voluntary one. There was limited knowledge of detail or updating, and only one third used Fair Work, often defensively, in negotiations on pay, facility time, insecure work and union recognition, encountering limited management awareness. Changes seen as required included better publicity and awareness, clarity of applications beyond the living wage, more rigorous application, stronger legislation and enforcement and better resourcing of trade union involvement. Unions were supportive, but thought that the initiative needed more information, guidance and enforcement.

Dave put forward 19 recommendations on how to make Fair Work more effective. There was a need to clarify what Fair Work looked like and to refresh principles and focus on hard-to-reach sectors. More naming and shaming of poor employment practice was needed, with strengthening of collective bargaining, using procurement leverage notably in the care sector. Fair Work First should be widened using better weighting and monitoring and with an improved evaluation tool. All government levers should be used including those on skills, enterprise, the Scottish Investment Bank and various fiscal or other incentives. Improved labour market data was required, and health and safety requirements should be made more implicit, addressing flexible working and self-employment with developing the case for devolving employment law from Westminster to Holyrood. With availability of current resources comprising the Fair Work Employment Support Tool, a self-assessment one, CIPD resources and trade union guides, he saw need of a guide for union representatives to help them understand and publicise Fair Work, survey their members, undertake joint evaluation and establish a common position and deliver an action plan – then if the employer was still resistant there should be a union assessment, data collection and identification of levers for action.

Dave found a broad political consensus that poor work had negative outcomes. The Fair Work initiative had helped, but poor work remained. There was a continuing need to change employment culture, and the unions supported fair work but wanted more action. The largely voluntary approach taken to Scotland's Fair Work Initiative had made a limited but positive contribution to improving working lives, particularly in the broader public sector - however it had not yet delivered major results, as evidenced by the continued prevalence of poor-quality work across Scotland's labour market. If Scotland was to claim to be a Fair Work Nation in 2025, much more needed to be done to turn the worthy ambition into reality. His full report was at https://reidfoundation.scot/2023/08/assessing-fair-work-in-scotland/

In discussion, Brian Masson regretted that after a heady start in post-deregulation industrial relations, the bus industry had reverted to the view that trades unions were seen as the enemy. Dave said that in higher education the significance of universities had received disproportionate attention while colleges struggled with underfunding. John Yellowlees saw all this as further evidence of the Scottish Government's fondness for virtue-signalling, and Dave acknowledged that while its ambition had been good, delivery was so far poor. The NHS had seen significant change, among employer organisations the Scottish Council for Development and Industry had always been fully supportive but while trades unions tended to speak with one voice employers were mostly patchy and fractured, with only the better firms wanting to engage. Their recent appearance before a Commons Committee investigating accusations of bullying and harassment had proved uncomfortable for representatives of McDonalds. Margaret Roy referred to the impact of CoVid on the bus industry, making staff appreciate an improved work:life balance, and Dave referred to prepandemic reluctance among middle managers which had been swept away when the aftermath of lockdown forced change. He recalled resistance back in 1997 to the National Minimum Wage, but employers' dire predictions had come to naught. Derek Halden said that he hadn't wanted his own business to sign the Pledge when he saw the company that he would be keeping, and Dave referred to

the leverage that the Government possessed in the care sector while despairing at the awfulness of the hospitality one.

Thanking Dave for his thought-provoking presentation, John Yellowlees looked to the day when better data would reveal true compliance. He suggested that with the upcoming 25th anniversary of the Scottish Parliament there could be a greater onus on back-bench committees to name and shame.