

## Call for evidence

**Please state if you are responding in an individual capacity or on behalf of an organisation:**.....

**Your name:**.....

**If replying on behalf of an organisation please state the name of the organisation:** .....

**Your position within the organisation:**.....

**The Sector your organisation operates within:**.....

.....

**The number of workers in your organisation:**.....

**Your e-mail address:**.....

### Introduction

In his speech to the Welsh Labour Party Conference in March 2017 the First Minister said 'I want to make Wales 'fair work nation'. This was one 'where everyone can access better jobs closer to home, developing skills and careers; where we can all expect decent, life enhancing work, without exploitation or poverty; where we all build prosperity and all share in that prosperity'.

This concept of Fair Work Nation encompasses social and welfare policy, economic and industrial strategy, transport, housing and education etc. But a core element is fair employment practice. This is the central focus of the Fair Work Commission.

At its most basic, promoting and encouraging fair work aims to eliminate unlawful and unfair employment practice, ensuring adherence to minimum standards. Not only does this benefit workers, but employers gain from competing on a level playing field, not being undercut by those engaging in unfair, exploitative practices.

Beyond this, workers, families and communities benefit through securing income which enables a decent standard of living; through having good quality work which provides security as required but also flexibility taking account of individual needs.

Individuals and communities gain where access to work and progression within it is not being disadvantaged by reason of gender, race, disability, sexuality or other work-irrelevant characteristics. In ensuring this, employers benefit in terms of attracting, motivating and retaining staff and by tapping into and realising the potential of all. Fair work employers also secure reputational gains.

Enabling effective voice for workers, representation of their interests and participation in decision making enhances the ability of workers to contribute to the success of the enterprise, helps provide fairness in process as well as in outcomes, and facilitates the management of conflict.

Research evidence demonstrates positive links between the fair treatment of employees, their wellbeing and engagement with increased productivity and other organisational performance measures. Fair work can make firms more productive and profitable and assist the public and third sector improve service delivery and protect service standards.

Employers are at the heart of creating good jobs and ensuring fair work. As part of delivering the aspiration for Wales to be A Fair Work Nation therefore, the Welsh Government needs to encourage and promote fair work employers.

This is not to overlook that delivering fair work may involve real challenges and require a variety of supportive measures. Some employers may face additional costs in the short term and immediate costs may be more readily quantifiable than future benefits. Factors beyond the control of employers may affect their ability to deliver fair work, although these factors might be open to government influence.

As the Welsh Government has recognised, at national level fair work can help achieve a stronger, modernised, inclusive economy. Fair work can assist in addressing inequality, in promoting wellbeing and community cohesion. It contributes to national growth and prosperity.

A Fair Work Nation is a great place in which to live and work; a great place in which to invest.

### **Aim of the Call for Evidence**

The aim of this exercise is to tap into a wide range of experience, views and research relevant to our terms of reference. These involve identifying indicators and measures of fair work and recommending how the Welsh Government might encourage and promote it (*link to TOR*).

This is not a consultation on developed proposals but rather an early stage request for input to help the Commission formulate its proposals and shape the recommendations it will make to Ministers.

Do not feel obliged to reply to all questions.

In answering the questions please provide any relevant data, research evidence, survey material, practical examples or experience which support your views (or provide links or references to same).

Please forward your response to our call for evidence to the Fair Work Commission mail box at:

[Fairworkcommission@gov.wales](mailto:Fairworkcommission@gov.wales)

Should you prefer to forward a paper submission of your evidence please send it to:

Fair Work Commission Secretariat  
1<sup>st</sup> Floor  
Ty Afan  
Bedwas Road  
Bedwas  
Caerphilly  
CF83 8WT

### **Privacy and data protection**

Welsh Ministers have statutory powers to process personal data which informs how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this call for evidence is about or for planning future calls for evidence. Where the Welsh Government undertakes further analysis of call for evidence responses then this work will be carried out by third party contractors (e.g. a research organisation or a consultancy company). Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

The Fair Work Commission does not intend to publish individual responses to its call for evidence. However, information which you provide may be used in the Commission's final report. It may also be attributed to the individual or organisation, that provided the information. If you want to remain anonymous, please indicate your preference when you send your response and we will remove your details before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the call for evidence response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

Click [here](#) for more information on the Welsh Government corporate privacy notice.

## **Call for Evidence Questions**

*Please address the following questions.*

### **Indicators, Measures and Data Sources**

1. What do you regard as the key indicators of fair work and the characteristics of a fair work employer?
2. What unfair work practices are currently experienced in Wales? In what ways is work unfair?
3. What does fair work mean in the context of genuine self-employment and how might it be supported and encouraged?
4. What data do you consider necessary or desirable for assessing and monitoring fair work at enterprise, local and national level.
5. What data and data sources are already available and how adequate are they?

### **Promoting Fair work**

6. The Welsh Government currently seeks to promote fair work through public sector procurement and its economic contract with those receiving government funding; how might these levers be strengthened and given wider effect?
7. Should voluntary approaches currently in use (such as the signing up to the Code of Practice on Ethical Supply Chains) be made mandatory?
8. What are the benefits and problems of (a) voluntary and (b) mandatory approaches as drivers to fair work? (The former would include signing up to voluntary codes of practice, charters or voluntary accreditation schemes. Mandatory approaches would include having to be certified as a Fair Work Employer to access government financial support or public sector contracts).
9. What more should be done to promote fair work within the Wellbeing of Future Generations (Wales) Act 2015.
10. The Welsh government is supportive of social partnership and tri-partite arrangements (bringing together representatives of the government, employers and trade unions).  
What greater role could social partnership play in delivering fair work in Wales and what structures if any may be needed to assist this?

11. How might legislation support trade unions and social partnership as a way of driving fair work?
12. Collective bargaining is a tested way of providing worker voice and effective representation at the workplace and of underpinning fair employment conditions. How might collective bargaining be supported/ extended?
13. Do you have evidence or examples of effective worker voice and representation mechanisms in non-union environments?
14. What form should new legislation take to drive forward fair work in Wales? (There are issues relating to devolved competence under the Wales Act 2017 which you may wish to consider)
15. What is needed to ensure effective monitoring and enforcement of fair work standards?
16. What else could the Welsh Government do to encourage fair work?

### **Context and Impact**

17. The objective of being a fair work employer should apply universally across Wales but how this is achieved and judged needs to be appropriately sensitive to context (e.g. sector, region, size and nature of employer). How might this be achieved in practice?
18. Are specific measures needed in some sectors or in relation to certain occupations?
19. Who should make the assessment whether an employer is a fair work employer and how should this be done?
20. What impact would promoting fair work have on employment in Wales?
21. What are the barriers to the achievement of Wales as a Fair Work Nation and how might they be addressed.

**We welcome suggestions as to further evidence which should be considered whether from academic research, practical experience or other sources from within Wales, the UK or wider international experience.**

**Thank you**