**Fair Work Wales – Report of the Fair Work Commission**

The Fair Work Commission submitted their report to Welsh Government in April 2019, sending 48 recommendations on how best to achieve, maintain and monitor the practice of Fair Work in Wales.

In a statement, Local Government Minister Julie James said that Welsh Government has accepted the main six recommendations of the Commission principally: adopting the proposed definition of fair work and using it across Welsh Government and in its promotion of fair work; using the findings to inform the development of the proposed Social Partnership Act and how Welsh Government might promote trade unions and collective bargaining in consultation with social partners and stakeholders; establishing and adequately resourcing a structure within Welsh Government to coordinate and drive fair work activities; Ministers will monitor how fair work is being advanced within their areas to inform an annual Welsh Government report on fair work Wales.

**Definition of fair work – as defined by the Commission**

*Fair work is where workers are fairly rewarded, heard and represented, secure and able to progress in a healthy, inclusive environment where rights are respected.*

Characteristics within the definition: *Fair reward, employee voice and collective representation; security and flexibility; opportunity for access, growth and progression; safe, healthy and inclusive working environment, legal rights respected and given substantive effect.*

**Role of the trade unions**

The report repeatedly makes reference to where Welsh Government should work with trade unions to bring forward the fair work agenda. Recommendation 17a reads: *We recommend Welsh Government (through the Office for Fair Work) seek out opportunities to support and enhance the enforcement role of UK enforcement agencies in Wales. This would include encouraging the involvement of trade unions, civil society bodies and employers.*

Promoting fair work via trade unions and collective bargaining makes up a large section of the report. Recommendation 26 calls on Welsh Government to *state a public policy commitment to promoting trade unions and collective bargaining.* In addition, the Commission has recommended that Welsh Government continue to fund the WULF project.

In its recommendations to Welsh Government on how to promote fair work, the Commission has looked at how Welsh Government can lead, influence and inspire people and businesses. Recommendation 32 calls on Welsh Government to *take every opportunity to use its influence to further promote and advertise fair work.* In this recommendation, they emphasise working with ‘fair work allies’ including trade unions to create a lasting movement towards fair work.

To aid the building of fair work institutions and mechanisms, the Commission has recommended that a Fair Work Wales Fund be established, which would accept bids from civil society organisations and trade unions. The report calls for Welsh Government to explore the feasibility of Fair Work Wales Forums to support a proposed Office of Fair Work within Welsh Government. Recommendation 37 says that one of the first forums to be established should be *a Fair Work Wales Forum in Social Care.*

The report values the importance of trade union recognition for collective bargaining as both a route to, and a key indicator of, fair work. As regards the measuring, evaluating and reporting of progress on fair work the report recommends the use of national indicators and national milestones. One of the national indicators recommended is *Trade union recognition for collective bargaining*. This includes employees being made aware of their legal rights relating to trade union membership as well as their rights to be accompanied by a union official in grievance or disciplinary hearings. Another key aspect is that the employer consults regularly and in good time on company plans and developments with trade unions and other representatives.

**Social Partnership**

The Commission recognises that tripartite social partnership and wider social dialogue are important in driving forward the fair work agenda. They recommend that Welsh Government look at clarifying their expectations of social partnership, in turn reviewing the arrangements for social partnership to see whether they need to be enhanced or extended.

The Commission has also called on Welsh Government to bring forward legislation to ensure social partnership is embedded more securely in statute which would provide assurance of continuity. A motion to this effect was recently passed at Welsh Labour conference.

**Regulation and Inspection of Social Care (Wales) Act 2016**

**&**

**Regulated Services (Service Providers and Responsible Individuals) (Wales) Act 2017**

Both of these Acts, concerning contract choice for domiciliary care workers and ensuring transparent & adequate travel time for carers between appointments, would be examples of best practice of fair work in action.

They do this by recognising the important principle that good quality service provision and delivery can be undermined by poor employment conditions and arrangements experienced by the workforce responsible for providing that service. A review on the impact of this legislation is due later in the year, likely via consultation which UNISON will be able to respond to.

Concerning these Acts, the Commission has recommended *following the imminent review of the Regulations, Welsh Government should assess whether the approach of linking delivery of quality public services to the well-being of workers, in order to make an intervention, is one which might be used in other regulated sectors*.

**Code of Practice: Ethical Employment in Supply Chains**

Whilst the Commission supports the Code in practice, it argues that the Code does not fully cover all aspects of fair work as defined by the Commission. The Commission has noted that the guidance notes which accompany the Code provide a more detailed ‘fair work question’, which suggests could be used during the procurement process, but fair work is still not clearly defined in the Code itself.

The Commission looked at the impact of Welsh Government not making signing up to the Code mandatory. The Commission has looked at the numbers of employers who are signing up to the Code and classes the numbers as ‘disappointing’. It also notes that very few of the employers who have currently signed up are accredited Living Wage employers.

The report recommendations as regards the Code include incorporating and giving prominence to the Commission’s definition and characteristics of Fair Work in the Code as well as making the Code mandatory for all Welsh public bodies and those organisations in receipt of public funding. The Commission recommends this be combined with a push to encourage businesses not in the receipt of public funding to sign up.