

Housing, Homelessness, and Fair Work Committee

10.00am, Tuesday, 8 August 2023

Fair Work, Gig Economy, and Living Hours City – progress update

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 It is recommended that Housing, Homelessness and Fair Work Committee notes:
 - 1.1.1 The draft Edinburgh Fair Work Charter, and the proposed timescale for its development, consultation and implementation;
 - 1.1.2 The initial work underway to assess the impact of living hours accreditation on Council services, and that a further report on the findings of this assessment will be available for consideration by Committee in October 2023; and
 - 1.1.3 The progress towards other actions recommended by the short-life Gig Economy Task Force and that a further update on progress will be available for consideration by Committee in December 2023.

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Report

Fair Work, Gig Economy, and Living Hours City – progress update

2. Executive Summary

- 2.1 This report provides a summary of progress towards delivery of actions recommended by the short-life Gig Economy Task Force. In particular, the report presents for discussion a proposed initial draft of an Edinburgh Fair Work Charter, and a proposed timescale for its further development and implementation.
- 2.2 The report also provides an update on the actions agreed in respect of Edinburgh as a Living Hours city.

3. Background

- 3.1 On [9 March 2023](#), Housing, Homelessness and Fair Work Committee approved a report on progress towards delivery of actions recommended by the short-life Gig Economy Task Force.
- 3.2 This included actions recommended by the task force to improve the ability of workers in the gig economy, and in other forms of precarious work, to achieve acceptable minimum standards for pay, hours and working conditions. These include actions to:
 - 3.2.1 Promote awareness of and access to employment rights for workers in precarious roles and/or gig economy workers;
 - 3.2.2 Develop a clear charter for what constitutes fair work in Edinburgh, including establishment of fair minimum standards on rates and working conditions in the gig economy;
 - 3.2.3 Promote fair work through Council procurement, licensing, and regulatory activities; and
 - 3.2.4 Further explore issues and potential actions relating to data rights and alternative business models for the gig economy in Edinburgh.
- 3.3 In parallel with this work programme, on [1 December 2022](#), Committee agreed a number of actions needed to scope the potential for Edinburgh to become a Living Hours city.

4. Main report

- 4.1 Appendix 1 to this report provides a full status update of progress against delivery of actions recommended by the short-life Gig Economy Task Force.

Edinburgh Fair Work Charter

- 4.2 The Gig Economy Task Force recommended that the City of Edinburgh Council should lead the development of a clear charter for what constitutes fair work in Edinburgh, and report to Committee with recommendations for how this charter can be used to guide future Council policy.
- 4.3 Alongside development of this action, officers have also been supporting the Fair Work and Skills work programme of the Forth Green Freeport Business Case, and the Council's commitment to ensure that employers who receive incentives and benefits from their investment in the site operate in a way that is consistent with the fair work ambitions of the city.
- 4.4 Towards this, a draft 'Edinburgh Fair Work Charter' has been developed (attached in Appendix 2). As this is still in draft form, it is subject to change.
- 4.5 The draft charter is based on the Scottish Government's Fair Work First criteria, which, as of 1 July 2023, forms an integral part of all Government grants. The Charter is also informed by research carried out by the Fair Work Convention, the Edinburgh Poverty Commission, and the work of the Gig Economy Task Force, as well as a review of similar charter projects established in other UK cities, including Liverpool and Manchester. The draft charter aims to provide clear commitments and practical steps employers of all sizes can take to improve and demonstrate their commitment to fair work.
- 4.6 Development of the charter to date has been taken forward by Council officers in collaboration with public and private sector partners involved with the Forth Green Freeport. Initial drafts of the charter have also been shared with Unison representatives, the Edinburgh Living Wage City Action Group, the Edinburgh Chamber of Commerce and Federation for Small Businesses for their input and comment.
- 4.7 Forth Green Freeport partners have agreed to embed a commitment to the charter as a central condition for any investment in the Forth Green Freeport area.
- 4.8 Extending this commitment, and in line with the recommendations of the Gig Economy Task Force, it is proposed that a further period of consultation and engagement with Edinburgh businesses, workers, and trade unions is carried out to develop options for use of the charter across the city as a whole. This consultation will include consideration of how to:
- 4.8.1 Ensure that the commitments outlined in the charter are appropriate and proportionate for businesses of all sectors and sizes in Edinburgh;
 - 4.8.2 Effectively embed the charter within all appropriate Council policy and guidance;

- 4.8.3 Ensure the use of the charter can complement and not complicate existing accreditation schemes and campaign work (including Living Wage, Living Hours, Zero hours justice, Fair Tax, and other campaigns);
 - 4.8.4 Further develop the charter as a useful resource for Edinburgh workers on how to identify employers who provide fair work opportunities; and
 - 4.8.5 Further develop associated tools and guidance for workers in gig economy and other precarious work patterns.
- 4.9 To meet this requirement, and timescales needed for Forth Green Freeport Business Case approvals, it is proposed that a full draft city wide charter and consultation plan is developed for consideration by Committee in December 2023.
- 4.10 Following the requirements of the Council's Consultation Policy and planned committee timescales, this will allow for development of a final charter and implementation plan for consideration by Committee in May 2024.

Edinburgh Living Hours City

- 4.11 In December 2022 Committee considered a report in response to a motion by Councillor Campbell on the promotion of Edinburgh as a Living Hours city. The motion and report agreed that officers should:
- 4.11.1 Hold an early discussion with Living Wage Scotland about what a journey to a Living Hours City could look like; and
 - 4.11.2 Make an assessment of what impact on Council services – from a staffing and budgeting perspective – would arise from the Council's commitment to Living Hours accreditation.
- 4.12 Officers have now met with Living Wage Scotland, as well as the UK wide Living Wage Foundation, representatives to discuss the details of the Living Hours campaign and accreditation process. Both bodies have welcomed and are keen to support Council's interest in accreditation, while noting the significant challenges faced by large public sector bodies in meeting the requirements for full accreditation.
- 4.13 At present there are 89 accredited Living Hours employers across the UK as a whole. No local authority or other large public sector body in Scotland or elsewhere in the UK have so far committed to accreditation as Living Hours employers.
- 4.14 The accreditation bodies have shared useful documentation on self-assessment toolkits to be used by employers interested in Living Hours accreditation. This self-assessment process is currently being carried out by Council officers to identify:
- 4.14.1 The scale of impact and potential benefits for staff from living hours accreditation;
 - 4.14.2 Impacts on deliverability of Council services; and
 - 4.14.3 Impacts on Council budgets.
- 4.15 This assessment will be complete and ready for consideration by Committee in October 2023.

- 4.16 While this assessment is being undertaken, officers have continued to work with the Edinburgh Living Wage City Action group to promote and celebrate take up of living hours accreditation among Edinburgh businesses. This has included showcasing of Living Hours commitments at events such as the UK Living Wage Places Conference held in Edinburgh in June 2023.

5. Next Steps

- 5.1 Next steps for actions outlined in this report include:
- 5.1.1 A commitment to report to committee in October 2023 on the findings of the Council's self assessment of the potential impact of Living Hours accreditation; and
 - 5.1.2 Continued development of the Edinburgh Fair Work Charter, with a view to its implementation on the Forth Green Freeport area by winter 2023, and a report to Committee in December 2023 on consultation and engagement relating to its wider development across the city as a whole. The report will also outline progress towards other actions outlined in Appendix 1 to this report.

6. Financial impact

- 6.1 Delivery of actions outlined in this report will be taken forward within agreed Council budgets unless otherwise stated.
- 6.2 Should any financial impacts be identified in developing a plan to address the outstanding actions, these will be reported to Committee.

7. Stakeholder/Community Impact

- 7.1 Actions outlined in this report were developed in partnership with members of the Gig Economy Task Force, including trade union representatives, academics, government officials and workers with lived experience of precarious and gig economy work.
- 7.2 These actions aim to promote access to fair, secure work in Edinburgh's changing economy and are aligned with the principles and commitments outlined in the Council Business Plan, the Edinburgh Economy Strategy, and the End Poverty in Edinburgh Delivery Plan.

8. Background reading/external references

- 8.1 [Gig Economy Task Force - final report.](#)

9. Appendices

- 9.1 Appendix 1: Action Plan progress and next steps.
- 9.2 Appendix 2: Draft Edinburgh Fair Work Charter.

Appendix 1: Action plan progress and next steps

Agreed actions	Status update
Awareness of and access to support on employment rights	
<ul style="list-style-type: none"> • Develop fully costed proposals for actions to improve workers' ability to access advice and support on issues relating to worker's rights, advocacy and career progression, including proposals for <ul style="list-style-type: none"> ○ A dedicated workers' rights hub in Edinburgh, and ○ Ongoing campaign work to provide information on and raise awareness on worker rights in Edinburgh, good working practices, and how to access support. 	In progress <ul style="list-style-type: none"> ○ Council continues to fund delivery of the Support@work project to provide employment rights case work and training support ○ Council officers continue to support the development of the Trade Unions (TUIC) in the Communities project and establishment of a workers rights and information hub in Craigmillar. ○ Further engagement is scheduled with TUIC in August 2023 to discuss options for further development of the programme. ○ A report on progress and options for next steps will be provided to Committee in December 2023
A fair work charter for Edinburgh	
<ul style="list-style-type: none"> • Develop a clear charter for what constitutes fair work in Edinburgh, including establishment of fair minimum standards on rates and working conditions in the gig economy. • Deliver a report with recommendations for how this charter will be used to guide future Council policy 	In progress <ul style="list-style-type: none"> ○ A draft charter has been developed for initial implementation on the Forth Green Freeport area. ○ A process of consultation and engagement is planned to develop options for further extension and use of the charter across the city wide economy. ○ A report on plans for consultation and development will be provided to Committee in December 2023
Procurement and fair work in Edinburgh	
<ul style="list-style-type: none"> • Develop concrete proposals to inform: <ul style="list-style-type: none"> ○ Changes that could be made within current public sector procurement frameworks to ensure that public sector contracts are only let to companies with demonstrable commitment to fair work as defined by the Fair Work Convention. 	Complete: <ul style="list-style-type: none"> ○ In January 2023 a report to the Council's Finance and Resources Committee confirmed a Council commitment to mandate the Real Living Wage among all regulated Council tenders, a presumption against zero hours contracts in Council tenders, a strengthening of the Fair Work weighting applied to regulated tenders, and a number of

Agreed actions

Status update

- Recommended changes needed (if any) to national legislation to maximise local public bodies’ ability to use buying power to promote fair work

further commitments needed to meet the recommendations of the Gig Economy Task Force and other requirements.

- A timetable for implementation of all these actions during 2023 is provided in the [Sustainable Procurement Strategy Annual Report – 2022 – Living Wage Update](#) (January 2023).

Licensing and regulation for fair work in Edinburgh

- Facilitate further engagement with workers, businesses and government on issues relating to licensing and regulation of gig economy and precarious employment and consider:
 - A report with recommendations on any legislative changes needed to strengthen the rights and conditions of gig economy and other precarious workers in the city
 - A report recommending any changes within current Council practice, for example Supplementary Statements of Licensing Policy, needed to improve conditions for gig economy and precarious workers in the city

In progress
 Following the March 2023 Gig Economy Progress update, officers have:

- Facilitated a joint meeting of conveners of the Housing Homeless and Fair Work, Licensing and Regulatory Committees and Licensing Board to discuss the embedding of Council fair work commitments in licensing and regulatory activity.
- Presented to the Licensing Board in May 2023 on the findings of the Gig Economy Task Force, the work of the Living Wage Action Group, and the Council’s fair work commitments.

In response to these discussions, licencing officers are preparing briefings for the Housing Homelessness and Fair Work Committee on:

- Current council policy on licensing and fair work, and the processes through which the Council can support and guide licence holders;
- Planned development of Council licencing policies as they relate to fair work; and
- Progress on the Council’s support for the ‘Get Me Home Safely’ campaign and associated actions.

Access to and rights relating to data in the gig economy and Support for alternative gig economy business models

- Facilitate and host further engagement with workers, businesses and government on issues raised during this inquiry relating to data rights and access for workers in the gig economy, including further work to:
 - Improve understanding of gig workers existing rights of access to worker’s data (on, for instance, trips, earnings, ratings, locations, driving behaviour, app use and other factors) held by companies, and current barriers to exercising those rights.

Scoping

- These actions remain at the scoping stage as at August 2023.
- Officers are engaging with partners in city Universities to understand and collate up to date research on data rights issues in the gig economy, and identify best practice in use of alternative business models in the gig economy.
- Further updates on progress for these actions, including timescales for delivery will be provided to Committee in December 2023.

Agreed actions

Status update

- Improve understanding of gig workers existing rights to transparency on the way company algorithms use this data to determine how jobs are offered, how much workers earn, and whether workers are subject to disciplinary action.
- Make recommendations on ways to help workers exercise these rights and make gig economy platforms share data more transparently
- Consider whether data driven innovation tools could be used to help gig workers analyse and better understand their earnings and conditions (including time spent on shift, time spent waiting for gigs), and accurately compare the value of gig work against other alternatives.
- Facilitate and host further engagement with workers, businesses and government to learn more about examples observed in other European cities and:
- Consider options for improving the viability of alternative business models for gig economy work in Edinburgh (such as worker owned businesses, co-operative or social enterprise approaches).

Appendix 2: Draft Edinburgh Fair Work Charter

Forword / Background

Fair work is not just about paying employees a rate of pay which enables them to meet the cost of daily living, it is ensuring that your employees have meaningful employment within a safe, respectful, fair, and healthy workplace while allowing your business to grow from strength to strength.

This charter is based on the principles of the [Scottish Government's Fair Work First](#) guidance and the [Fair Work Convention](#), which sets out Scottish Government's vision to ensure that everyone in Scotland will have 'a world leading working life where Fair Work drives success, wellbeing and prosperity for individuals, businesses, organisations and society'. In doing so more businesses can help to lift those still in low paid and insecure work into fair work, helping them to fulfil their potential and get a home or provide a secure start for their children.

Fair Work not only benefits the individual but also benefits the business. By implementing fair work practices, you can attract a higher standard of applicants into your organisation and create an environment where people want to stay and contribute to the continuing success of your business. A healthier, happier workplace culture can lead to improved productivity and by investing in the upskilling of your staff through training and developing opportunities, you can build the ideal future workforce for your business.

We recognise that not everyone is able to meet all criteria at once, and so the Charter allows businesses to map out their journey to always consider Fair Work First. By working together, we can build on the good practices that are already happening in workplaces and widen these out. All businesses are encouraged to audit themselves against the requirements of providing Fair Work and to self-assess

and record their journey as they continue to improve their delivery in line with this Fair Work Charter. An excellent tool to use can be found on the Fair Work Convention website - [The Fair Work Convention](#).

Fair

At the core of Fair Work, is fairly paid, secure work. The UK government introduced a national minimum wage rate for all staff over the age of 25, however this still doesn't represent the real cost of living or address insecure work.

We commit to treating all our workers Fairly.

We will do this by	Providing each worker with fair pay, at a minimum the rate of the Real Living Wage or the collectively bargained rate where applicable.
Aspiring	Identifying employees within the organisation who are not currently receiving the Real Living Wage and develop a plan to move them onto this by an agreed date. All employees have access to sick pay from day one of absence.
Achieving	All employees, excluding apprentices, are paid the Real Living Wage or above. All employees have access to enhanced sick pay from day one of absence for a clearly defined timeframe.
Excelling	All employees, including apprentices, are paid the Real Living Wage or above, and work with contractors in identifying and planning achievable actions to develop a plan to pay Real Living Wage for this group. Receive accreditation from Living Wage Foundation as a Real Living Wage employer.

We will do this by	Providing each worker with defined, set hours with appropriate use of zero hours contracts, unless requested by the employee.
Aspiring	Identifying posts within the organisation which are not secure contracts, including those without weekly set hours, and develop a plan to move those employees onto secure contracts by an agreed date, unless the employee requests to remain on a non-typical contract.
Achieving	All workers have a secure contract with agreed set hours per week, suitable to their lifestyle choices or balances. Regular reviews of non-typical contracts with those employees who have chosen to have these to ensure they remain suitable. Provide notice periods for working hours or shift requirements within a defined time period.
Excelling	Receive accreditation from Living Wage Foundation as a Living Hours employer.

Secure

Ensuring that workers are treated fairly and equitably is an important part of Fair Work. Employers will establish mechanisms to collaborate directly with their workers, employee representative groups or trade unions and develop partnerships to enable the employee voice to be heard.

We commit to ensuring a voice for our employees and oppose the use of fire and rehire practices.

We will do this by	Keeping a constructive dialogue between the employer, workers and (where appropriate) a relevant trade union/s to address workplace issues, ensuring fair, transparent and communicative practices if the need to change terms and conditions of employment arises
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Aspiring	Formal and informal arrangements are in place through which meaningful individual and collective dialogue can take place, including one-to-ones between workers and management, appraisal/feedback processes, team/organisation meetings.
Achieving	Formal scheduled arrangements are in place with employee representatives or trade unions to discuss key aspects of employee welfare. A structured whistleblowing policy has been implemented.
Excelling	Involving employee representatives and/or trade union in key governance and decision-making structures.

We will do this by	Ensuring no 'fire and rehire' practices are utilised
Aspiring	Have clear and formal redundancy policies and procedures in place, which includes consulting with staff and trade unions (if applicable). Offer 'suitable alternative employment' if there are roles available.
Achieving	Consider if there are alternative ways to achieve the required goal such as upskilling and/or retraining staff to meet the current business need and only seek to change terms and conditions or make redundancies as a last resort.
Excelling	Ensure all staff are supported throughout a redundancy process and provide time and resources to find alternative employment such as The Partnership Action for Continuing Employment (PACE).

Respectful

Flexible working is a way of working that provides the employee with an alternative to traditional working patterns and locations which help with the development of inclusive workplaces and can support employee wellbeing. It can also help to attract employees who would otherwise be unable to remain in or enter employment.

Everyone should be able to access employment and progress within this, regardless of their background or personal circumstances.

We commit to respecting our employee's ability to achieve a balance between work and home life that supports their wellbeing.

We will do this by	Providing flexible working where possible.
Aspiring	Identifying roles within the organisation which can work flexibly and make this known. Ensuring staff who need this option, are able and equipped to do so and are not excluded from development opportunities. Provide flexible working options from day one of employment.
Achieving	All staff who can work flexibly are able to. Identify posts that could accommodate flexible start/finish times, compressed hours/annual hours, job sharing/part-time and ensure all employees can request and be considered for these, with a decision reached and communicated to the employee within 28 days of the request.
Excelling	Have a suite of flexible working policies in place and advertise all vacancies with the possibility of flexible working to attract a diverse talent pool.

We will do this by	Ensuring all employees have access to training and development opportunities and create pathways into employment for new employees, including apprentices and/or young people and those with barriers to employment.
Aspiring	Have a clear induction programme for all employees that clearly outlines the organisational values and standards of behaviour expected. Agree target for number of apprentices recruited and work experience placements that can be provided annually. Actively support new entrants to the workforce.
Achieving	Have a Training and Development policy and performance management process which ensures all staff, including managers, have paid time available to them to support their development. Meet target for number of apprentices recruited and work experience placements that can be provided annually.
Excelling	Surpass target for number of apprentices recruited and have a clear progression route into substantive employment within the organisation. Surpass target for number of work experience placements that can be provided annually and identify a progression route into a substantive post, if applicable. Have a clear, strategic workforce plan in place to identify future skills need of the organisation. Signed up to Investors in People: We Invest in People or similar national scheme.

Inclusive

Successful businesses and a thriving economy require a diverse workforce whose talents and skills are nurtured and developed, ensuring everyone, regardless of background, is given the opportunity to training opportunities.

We commit to creating an inclusive and diverse workplace.

We will do this by	Creating Diversity and Inclusion and Equality policies and procedures to include recruitment, retention, and upskilling of the workforce, representing all protected characteristics.
Aspiring	Understanding the current demographics of existing workforce and looking for ways to improve procedures to make them more inclusive. Have Diversity and Inclusion and Equality policies and procedures in place and identify ways to undertake targeted recruitment, creating career pathways and training and development opportunities that are accessible to all. Signed up to national standard such as Disability Confident Committed stage or the Scottish Union of Supported Employment (SUES) APT service .
Achieving	Engage with local employability partners to provide support and pathways into the organisation for those with barriers to employment. Signed up to national standard such as Disability Confident Employer stage or SUSE's APT.
Excelling	Establish employee network groups. Signed up to national standard such as Disability Confident Leader stage or SUSE's APT.

We will do this by	Monitoring and reporting on protected characteristics pay gaps within the organisation
Aspiring	Understanding the current demographics of existing workforce and identify possible pay gaps based on gender, ethnicity and disability. Ensure gender pay gap data is reported to UK Government annually (if more than 250 employees). Develop a plan to address the pay gaps.
Achieving	Regularly carry out a diversity, equality and inclusion audit. Have policies and procedures in place and set clear targets and dates to reduce the pay gaps.

Excelling

Achieve or surpass targets within the identified timeframe. Review policies, procedures, targets and dates annually to continually work towards reducing gaps.

Commit to the Charter

To sign up to this charter businesses must meet all Aspiring criteria and at least three Achieving criteria as a minimum. A plan must then be put in place to meet the remaining achieving criteria within an agreed timeframe. Guidance on how to meet these criteria can be found in our supporting documents and additional support can be provided by our team.

Business Name:

Business Representative:

Date of initial completion:

Commitment	Current Stage	Action Plan to Progress	Target Date
Fair Pay	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		
Fair Hours	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		
Voice for employees	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		

Oppose the use of fire and re-hire practices	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		
Flexible Work	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		
Skills and Development	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		
Diversity, Equity and Inclusion (DEI) policies in place	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		
Pay Gap reporting	<input type="checkbox"/> Aspiring <input type="checkbox"/> Achieving <input type="checkbox"/> Excelling		