

Fair Work First – Summary Guidance for Applicants

Applicants must be able to demonstrate that they comply with the [Fair Work First Policy](#). In line with the [Bute House Agreement](#), the default position is that all grant recipients awarded a public sector grant from 1 July 2023 will be required to pay at least the 'Real Living Wage' and provide appropriate channels for 'Effective workers' Voice' as a minimum standard. These changes are part of the Scottish Government's commitment to become a Fair Work Nation by 2025. Only in limited circumstances, an exception to these conditions is considered and that this must be agreed by the Highland Council.

Payment of at least the real Living Wage

- In general, a grant recipient must demonstrate it is paying at least the real Living Wage before it can access a grant.
- All UK-based staff aged 16 and over, including apprentices, who are directly employed by the grant recipient, must be paid at least the real Living Wage; and any UK-based workers who are not directly employed but are directly engaged in delivering the grant-funded activity, whether they be sub-contractors or agency staff, must also be paid at least the real Living Wage.
- The Highland Council may apply limited exceptions to provide funding to organisations who cannot pay at least the real Living Wage in order that the measure is proportionate.

Appropriate channels for effective workers' voice

- All organisations with a workforce must be able to demonstrate, before they can access a grant, that all workers employed within that organisation have access to effective voice channel(s), including agency workers.
- Voice exists at both collective and individual levels and organisations will be expected to show how genuine and effective voice is evidenced.
- The Highland Council may apply flexibility to recognise the different forms of voice that are appropriate for different organisations.

The following [Fair Work First Guidance](#) has comprehensive information.

Statement how your organisation is committed to advancing the Fair Work First policy

As part of the grant application process, you must provide a statement verifying your Fair Work First commitment and confirming it has been developed in agreement with your workforce.

The representative providing confirmation should be from the relevant trade union(s) where one or more is recognised, alternatively where there is no union recognition, it should be another workers' representative.

A copy of an example template is provided at the end of this document. You are not required to use this but can adapt it for your organisation. You may have your own version and this is also accepted – please ensure it is signed.

A grant application cannot be progressed without this statement being provided.

In addition to this statement, if you are awarded funding then prior to payment of your first claim you will need to provide evidence you are meeting the criteria as per the guidance below.

Grant recipients should provide the most appropriate evidence for their organisation from the list below. You may need to provide more than one source of evidence depending on the make-up of your workforce and whether contractors/agency workers are employed to directly support delivery of the funded project/activity.

Evidence of payment of the real Living Wage

Grant value	Evidence			
	Directly employed staff	Apprentices	16-17 year old workers	Contracted and agency staff
Below £100k (cumulative)	Living Wage Accreditation; or Self-declaration	Self-declaration	Self-declaration	Self-declaration
Equal to or above £100k (cumulative)	Living Wage Accreditation; or Anonymised payroll; or Accountant certificate	Anonymised payroll; or Accountant certificate	Anonymised payroll; or Accountant certificate	Anonymised copy of contract for relevant contractors/agency workers

Living Wage Employer Accreditation

In addition, groups and organisations can apply for the [Living Wage Accreditation](#). As best practice, we strongly advise that all applicants work towards achieving this.

Living Wage Employer Accreditation applies to only:

- directly employed staff aged 18 years of age and over
- those who are not apprentices

Useful reference:

- [What is the real Living Wage?](#)
- [Become Living Wage accredited](#)

(i) Living Wage Accreditation costs start at £60 + VAT per year

(ii) Additional evidence to be provided for apprentices, 16-17 year old workers, and for contractors/agency workers – see table above for information

(iii) Contracted workers do not need to be on the real Living Wage at the point of accreditation, provided there is a plan in place to uplift these workers to the real Living Wage rate within an agreed timescale. Living Wage Scotland refer to this phased implementation as milestones.

Self-declaration

Grant applicants are not required to provide specific evidence but will have to adhere to any arrangements for validating payment of at least the real Living Wage applied by The Highland Council. Your self-declaration must confirm you will pay at least the real Living Wage to your workforce from the start of the funded period; and in advance of making a claim, you must provide evidence of doing so.

The Highland Council reserves the right to undertake spot checks on self-declarations to ensure compliance

Evidence of appropriate channels for effective workers' voice

Although it is to be encouraged in all organisations, the collective element of voice does not have to be evidenced by organisations with fewer than 21 workers. This aligns with conditions for application for statutory union recognition and is therefore considered as a benchmark in terms of the size of workforce where collective representation would be expected. In all other cases, evidence must be provided to show that voice exists at both an individual and collective level in the organisation. The table below explains how the different channels of voice can be evidenced, the expectation being that at least one channel at both levels (individual and collective) is evidenced.

(a) Voice Channel: Line Management Relationship (i.e. effective 2-way dialogue through 1:1 relationship).

Level: Individual

Evidence: Written confirmation from trade union/worker representative(s) that there is opportunity for regular 1:1 open and two-way dialogue between line managers and their direct reports; that this dialogue exists separately to standard performance review processes; and that worker-manager working relationships are effective.

This could also be supported by evidence of regular engagement survey that supports this; and/or in Organisation's KPI's.

(b) Voice Channel: Staff /Engagement Surveys

Level: Individual

Evidence: Written confirmation from both management and trade union/worker representative(s) that an appropriate survey is regularly undertaken **and can demonstrate** that feedback is provided to workforce and actions created and implemented to address this.

(c) Voice Channel: Suggestions Schemes

Level: Individual

Evidence: Written confirmation from both management and trade union/worker representatives that a scheme exists **and examples provided** of improvements made as a result.

(d) Voice Channel: Intranet/Online Platforms

Level: Individual

Evidence: Written confirmation from both management and trade union/worker representatives that an internal platform exists that allows worker contribution to strategic discussion **and examples provided** where input is acknowledged and acted upon.

(e) Voice Channel: Staff Forums / Networks

Level: Collective

Evidence: Written confirmation from both management and trade union/worker representatives that network(s) and/or a forum exists, meets regularly, supports open dialogue and is action focussed. Examples of actions progressed should be provided.

(f) Voice Channel: Trade Union Recognition/ Collective Bargaining

Level: Collective

Evidence: Copy of Recognition Agreement is provided.

(g) Voice Channel: Access is provided to trade unions / Pro union Membership attitude is demonstrated

Level: Collective

Evidence:

- 1) Trade union(s) confirm that access is granted to recruit and organise members. and/or:
 - 2) Workers are aware that the employer is happy for them to join a union of their choice (e.g through induction materials, clause in contract).
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(h) Voice Channel: Joint Consultative Committee/s (JCC)

Level: Collective

Evidence: Written confirmation from both management and trade union/worker representative(s) that JCC/s exist and examples of issues covered.

(i) Voice Channel: European Works Councils (EWCs)

Level: Collective

Evidence: Papers from EWC demonstrating membership and active participation.

Fair Work First Statement and Declaration

Statement:

Organisation name is committed to advancing the Scottish Government [Fair Work First Policy](#) and the criteria as set out within the [Fair Work First guidance](#) document. We confirm that we pay our staff the Real Living Wage and/or will do so if we employ people in the future. We make every effort to ensure that our suppliers/contractors offered the same Real Living Wage rate when procuring goods or services. We also confirm that we offer our staff and/or volunteers an Effective Workers Voice channel within the workplace.

We employ **x** amount of staff and/or have **x** amount of volunteers.

Specifically:

- (1) We have appropriate channels for effective voice from the workforce and/or volunteers;

Expand – please explain how you offer this as per Fair Work First guidance link above. For example Line Management / Staff surveys / Suggestion schemes / Online platforms / Staff forums / Trade Unions / Joint Consultative Committee (JCC 's)/ European Works Councils (EWC's)

The following points satisfy the self-declaration requirements for compliance with the effective voice criteria. If the answer to question 1a is no, further evidence of compliance will be required. Question 1b is only applicable where the organisation employs more than 21 staff. If the answer is no, further evidence of compliance will be required. Please confirm the following:

(1a) **Organisation** will provide effective one to one line management for any employee or volunteer ensuring regular open and two-way dialogue; that this exists separately to performance management processes; and that worker/manager working relationships are effective.

Yes No

(1b) **Organisation** will ensure that as part of their induction, employees will be made aware of their right to join a union of their choice and will take a pro-union membership attitude.

Yes No NA

- (2) We actively invest in workforce and/or volunteer development;
Expand – please explain how.

- (3) We are committed to no inappropriate use of zero hours contracts;
Expand – please explain.

(4) We take action to tackle the gender pay gap and create a more diverse and inclusive workplace;

Expand – please explain.

(5) We are fully committed to paying the Real Living Wage to both our employees and ensuring our contractors also do the same.

Expand – please explain how especially when procuring goods/services.

This statement has been agreed by both the employer and a suitable workforce representative for our employees and/or volunteers:

Signature (for the employer):	
Print name:	
Position within organisation:	
Date:	

Signature (as workforce representative):	
Print name:	
Position within organisation:	
Date:	