

## **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
<b>Below £100k (cumulative)</b>	Living Wage Accreditation; or Self-declaration	Self-declaration	Self-declaration	Self-declaration
<b>Equal to or above £100k (cumulative)</b>	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.

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**(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.

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**(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.

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**(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.

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

**Level:** Collective

**Evidence:** Copy of Recognition Agreement is provided.

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**(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.

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

**Level:** Collective

**Evidence:** Papers from EWC demonstrating membership and active participation.

## Fair Work First Statement (template)

**Organisation name** is committed to advancing the Fair Work First criteria as set out within the Scottish Government guidance document. Specifically:

We have appropriate channels for effective voice from the workforce;

- **Expand**

We actively investment in workforce development;

- **Expand**

We are committed to no inappropriate use of zero hours contracts;

- **Expand**

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

- **Expand**

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

- **Expand**

This statement has been agreed by both the employer and a workforce representative from the employees:

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

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