



Highlands and Islands Enterprise
Iomairt na Gàidhealtachd 's nan Eilean

FAIR WORK CONDITIONALITY ASSESSMENT

Fair Work aims to balance the rights and responsibilities of employers and workers and generates mutual benefits for individuals, organisations and society, such as increased participation in work, improved productivity in the workplace, and wider distribution of wealth within local communities.



Fair Work can be defined as work that offers effective voice, opportunity, security, fulfilment and respect. Fair Work can be a significant driver of productivity for Scotland, and contributing to growth that is inclusive.

Set up in 2016, the [Fair Work Convention](#) in Scotland set out a helpful [Framework](#) explaining the dimensions of Fair Work and how they can be achieved.

Fair Work First is the Scottish Government's flagship policy for driving high quality and Fair Work, and workforce diversity across the labour market in Scotland by applying fair work criteria to grants, other funding and public contracts being awarded by and across the public sector, where it is relevant to do so. For public sector grants awarded on or after 1 July 2023, the default position is that Fair Work First criteria for paying at least the Real Living Wage and providing appropriate channels for effective workers' voice will be mandatory at the time of application.

As part of your application for HIE support, please complete this assessment form and provide the necessary evidence. If you have any queries regarding the completion of this form or Fair Work, please contact your HIE contact. HIE has a helpful guide explaining Fair Work, the benefits of being a Fair Work employer and what tools are available to become a Fair Work employer [here](#).

Question

Response

<p>1 This Fair Work section must be completed by organisations which have/will have employees/sub-contractors based in Scotland throughout the obligation period of the project for which you are applying for assistance. Please note Fair Work conditionality will apply to all sub-contractors engaged in the HIE supported project or intervention. Please select the most appropriate response from the drop down. For workers based out with Scotland, it is only those working on the grant funded activity that the conditions apply to.</p> <p>If you respond NO to this question, you do not have to answer any further questions.</p>	<ul style="list-style-type: none"> - Yes, we have or will have employees but no sub-contractors - Yes, we have or will have employees and sub-contractors - Yes, we have or will have sub-contractors but no employees - No, we do not have and will not have any employees or sub-contractors
<p>2 Have you accessed the Fair Work Employer Support Tool?</p>	<p>Yes No</p>
<p>3 Do you pay all your employees/sub-contractors aged 16 or over the Real Living Wage (as calculated by the Living Wage Foundation)? All Scotland based staff age 16 and over, including apprentices and trainees, who are directly employed by the grant recipient, must be paid at least the real Living Wage, and any Scotland 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 the least the real Living Wage. For workers based outwith Scotland, it is only those working on the grant funded activity that the conditions apply to.</p> <p>NB – the Real Living Wage (RLW) is different from the National Living Wage (also known as the National Minimum Wage). You can find out what the latest Real Living Wage rate is here.</p>	<p>Yes No</p>
<p>4 If you are applying for funding support under the value of £100k, please respond N/A to this question. However, if you have been awarded any funding from HIE since 1st April this year which may result in your organisation being awarded £100k or more this financial year (if you are successful in your current application) then you must provide evidence in relation to the Real Living Wage.</p> <p>As evidence that you are paying the RLW to all your staff, please select one item from the drop-down menu and and upload this as supporting evidence.</p> <p>Please note:</p> <ul style="list-style-type: none"> ■ Information on Real Living Wage Accreditation can be found here (please note that RLW accreditation does not cover 16 and 17 year olds, therefore you are required to provide additional evidence such as anonymised pay roll statements for these employees). ■ For contract and agency staff, HIE can accept anonymised copies of contracts as evidence. ■ If you are applying for £500,000 or over you must provide an independent accountant certificate to certify that all employees are paid the RLW as a minimum. This must be provided at application stage. 	<ul style="list-style-type: none"> - N/A – applying for less than £100k - Anonymised pay roll statement - RLW accreditation - Anonymised pay roll statement and RLW accreditation - Independent accountant certificate - Independent accountant certificate and anonymised pay roll statement for 16–17-year-olds
<p>5 Do you employ anyone in your organisation using a zero hours contract? (A zero hours contract is defined here)</p>	<p>Yes No</p>
<p>6 If YES to Q5, explain the reasons why zero hours contracts are used in your organisation.</p>	

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What flexible and family friendly working practices do you offer to all your employees from day one of their employment? This is usually evidenced by having a Flexible Working Policy in place.

For more information and an example template visit [ACAS](#). Please upload a copy of your flexible working policy onto the MyHIE portal, with your application.

8

All applicants with staff are required to provide evidence of how they communicate with employees at individual level (this is called **Individual Voice**).

Please refer to the supporting evidence tables at the end of this form which provide examples of how to evidence **Individual Voice**. Please choose one voice channel and upload the necessary evidence.

Please note that when uploading information, all submissions should be anonymised and not name any individual members of staff.

- Line Management Relationship
- Staff / Engagement Surveys
- Suggestions Schemes
- Intranet / Online Platforms
- Other / Multiple

9

If you have selected *Other / Multiple* in Q8, please provide commentary here.

10 Do you employ 21 or more staff?

Yes – continue from question 11
No – continue from question 13

11 If you have 21 or over employees, please refer to the supporting evidence tables at the end of this form, choose one voice channel for **Collective Voice** and upload the necessary evidence. Please indicate here which one you have selected.

Collective Voice is about having appropriate and proportionate communication channels and initiatives in your organisation to support employee feedback and engagement (this might include regular staff meetings; trade union recognition; staff newsletters; staff intranet; 1-1 meetings with managers/leaders; strategy or planning sessions, etc.).

Please note that when uploading information, all submissions should be anonymised and not name any individual members of staff.

- Staff Forums / Networks
- Trade Union Recognition / Collective Bargaining
- Access is provided to trade unions / Pro union membership attitude is demonstrated
- Joint Consultative Committee/s (JCC)
- European Works Councils (EWCs)
- Other / Multiple

12 If you have selected *Other / Multiple* in Q11, please provide commentary here.

13 How do you invest in, and develop, your workforce (this may include: developing a formal training plan for each of your employees; staff induction programme; employee mentoring and/or coaching; offering on the job training; external training provision; participation in apprenticeship and graduate support schemes; undertaking performance reviews with your employees, etc.)?

<p>14 Do you oppose the use of fire and rehire practices in your organisation?</p>	<p>Yes No</p>
<p>15 Briefly describe how you actively take steps to create a more diverse and inclusive workplace (this could include: having a flexible working policy in place; taking action to reduce any gender pay gap that exists; having transparent policies about pay and promotions; encouraging salary negotiations, etc.).</p>	
<p>16 If your organisation has 250 employees or more, you must provide the URL link to your Gender Pay Gap report as required by UK Law.</p>	
<p>17 Does your organisation have a Fair Work Action Plan which outlines how you will improve and develop Fair Work practices in your organisation?</p>	<ul style="list-style-type: none"> - We have a Fair Work Action plan, and this has been uploaded in the Additional Document section - We do not have a Fair Work Action but are working towards creating and implementing a plan within the organisation - We do not have a Fair Work Action plan
<p>18 Organisations who are accessing financial support are asked by the Scottish Government to include a short statement on their own website highlighting their commitment to advancing the Fair Work First criteria, including the Real Living Wage and Effective (Individual and Collective) Voice conditions. The statement should be agreed jointly by the employer and an appropriate workplace representative (either a trade union rep or another appropriate worker rep). Does your website include such a statement?</p>	<ul style="list-style-type: none"> - We have added a statement - We have not yet added a statement but understand that one will be required to be published prior to the final claim by date. - N/A - we do not have a website
<p>19 If you are applying for £500,000 or over you must provide an independent accountant certificate alongside your first claim in order to evidence that your organisation meets all seven Fair Work criteria.</p>	<ul style="list-style-type: none"> - I understand this is a requirement - I do not wish to continue with my application - N/A

Supporting evidence tables

All applicants with employees or sub-contractors must also choose one voice channel for Individual Voice from the table below and upload the necessary evidence. In addition, if you have 21 or over employees, you must choose one voice channel from the second table, Collective Voice.

Individual Voice

VOICE CHANNEL	EVIDENCE
Line Management Relationship (i.e. effective 2-way dialogue through 1:1 relationship)	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 the organisations KPS's
Staff / Engagement Surveys	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
Suggestions Schemes	Written confirmation from both management and trade union/worker representatives that a scheme exists and examples provided of improvements made as a result.
Intranet / Online Platforms	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
Other / Multiple	Examples of employee engagement activity include – induction and onboarding programme in place; have safe mechanisms for staff to feedback their ideas to senior staff; provide flexible working; team building events and days; support employee volunteer programmes; undertake staff surveys; implement a staff engagement forum; union representation; have social events; all staff events etc.

Collective Voice

VOICE CHANNEL	EVIDENCE
Staff Forums / Networks	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.
Trade Union Recognition / Collective Bargaining	Copy of Recognition Agreement is provided
Access is provided to trade unions / Pro union Membership attitude is demonstrated	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).
Joint Consultative Committee/s (JCC)	Written confirmation from both management and trade union/worker representative(s) that JCC/s exist, and examples of issues covered.
European Works Councils (EWCs)	Papers from EWC demonstrating membership and active participation.
Other / Multiple	Examples of employee engagement activity include – induction and onboarding programme in place; have safe mechanisms for staff to feedback their ideas to senior staff; provide flexible working; team building events and days; support employee volunteer programmes; undertake staff surveys; implement a staff engagement forum; union representation; have social events; all staff events etc.

Fair Work Website Statement

An example of a suggested statement: [Organisation name] is committed to playing its part in the Fair Work Convention's vision that by 2025, people in Scotland will have a world-leading working life where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society. We are therefore developing a workplace that is built on the five key dimensions of Fair Work: effective voice, opportunity, security, fulfilment and respect.