

# Where are gender and race equality within the 'fair work' agenda?

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FAIRNESS AND WORK FUTURES

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# Presentation overview

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- Definitions and why they matter
- The fair work agendas in Scotland and Wales
- Where are gender and race within those agendas?
  - Reports of the Fair Work Convention and Fair Work Commission*
  - Early indications from the Buying Social Justice through Procurement project*
- Conclusions and next steps

# Definitions, duties and priorities

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## Definitions of equality

- Equality Act 2010 – nine protected characteristics
  - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief; sex and sexual orientation
- Public Sector Equality Duty – general reference to ‘equality’
  - Potential for ‘marginalisation’ (Conley and Page, 2015)
  - Potential for ‘invisibilization’ (Craig, 2013)

## Changing political priorities

- Socio-economic duties
  - Scotland: Fairer Scotland Duty ( 2018)
  - Wales: Socio-economic Duty (2021)
- Well-being of Future Generations Act (Wales) 2015



# The development of Fair Work agendas in devolved nations: an overview

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## Scotland: Fair Work Convention



## Wales: Fair Work Commission



# Definitions of fair work – where are gender and race ?

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## Fair Work Convention (Scotland)

### Five dimensions:

- Security
- Respect
- Opportunity
- Fulfilment
- Effective voice

## Fair Work Commission (Wales)

### Six characteristics:

- Fair reward
- Employee voice and collective representation
- Security and flexibility
- Opportunity for access, growth and progression
- Safe, health and inclusive working environment
- Legal rights respected and given substantive effect

**“The promotion of equality and inclusion is integral to all six characteristics”**

# Indicators of fair work – where are gender and race ?

Scotland	Wales
<p><b>Effective voice</b> ‘ability to speak and to be listened to” e.g. collective bargaining</p>	<p><b>Employee voice and collective representation</b> ‘opportunity to express views and be heard on matters directly affecting them. ...Recognition of a trade union for collective bargaining is both a route to, and key indicator of, fair work. e.g. ‘arrangements are in place to ensure under-represented groups, included those with protected characteristics, are heard.</p>
<p><b>Opportunity</b> ‘allows people to access and progress in work and employment. <b>Meeting legal obligations by ensuring equal access to work and equality opportunities in work...[protecting] workers in these groups subject to specific legal protections on the grounds of sex, sexual orientation, race and ethnicity, age and disability”</b></p>	<p><b>Opportunity for access, growth and progression</b> “Opportunities are open to all to access work; for fulfilment and growth, to develop and progress, to acquire and use skills”</p>
	<p><b>Legal rights respected and given substantive effect</b> Compliance with legislative labour standards/statutory employment rights, proactively implementing action plans to promote equality and diversity. Transparency in information provision e.g. workforce data suitable disaggregated by <b>gender, ethnicity</b>, disability etc with attention to how these identities can interact.</p>

# Indicators of fair work – where are gender and race?

Scotland	Wales
<p><b>Security</b>  “security of employment, work and income”  What people told us:... <b>women</b>, young people, <b>Black and Minority Ethnic (BME) workers</b> and disabled people are worse off than others when it comes to pay and employment security”</p>	<p><b>Security and flexibility</b>  e.g. income, hours and working time security, job security,  “ availability of working hours and patterns to facilitate inclusion (e.g. of disabled workers) and to accommodate the reality of workers’ lives</p>
<p><b>Fulfilment</b>  “using and developing skills, having some control over your work... appropriately challenging work, opportunities for personal growth</p>	<p><b>Fair reward</b>  Rates of pay and other terms and conditions are appropriate, commensurate with skill etc. Work is evaluated fairly including <b>revaluing of work generally performed by women</b></p>
<p><b>Respect</b>  ...recognising others as dignified human beings and recognising their standing and personal worth”...can be supported through health, safety and wellbeing policies and practices; through organisational policies and practice on dignity at work</p>	<p><b>Safe, healthy and inclusive working environment</b>  Health and safety policies and measures are in place and regularly reviewed... work and job design conducive to safety, physical and mental well-being and inclusion... all individuals treated with dignity and respect</p>

# Fair work levers

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## FAIR WORK CONVENTION (SCOTLAND)

- Incentivising good practice through **public procurement**
- 2020 inquiry into **construction** suggests procurement as a lever to promote fair work in this sector

## FAIR WORK COMMISSION (WALES)

- Link fair work objectives to existing equality objectives
- Link Fair Work with objectives of Wellbeing of Future Generations Act
- Introducing a Social Partnership Act
- Include fair work principles in **public procurement** guidance
- Large infrastructure **construction** projects should be ‘fair work Wales project’



# BUYING SOCIAL JUSTICE

## THROUGH PROCUREMENT

- Exploring the use of social procurement by public bodies to promote equality in construction with a particular focus on gender and race
- Comparing practice in England, Scotland and Wales
- Mixed methods
  - International literature review
  - Interviews with key experts in commissioning and contracting organisations, procurement, equality and civil society bodies, senior trade unionists
  - Commissioner survey
- 33 interviewees – 8 from Scotland, 6 from Wales



# The fair work agenda – expert interview data

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*“...the purpose of pursuing fair work is to address the inherent inequalities in the labour market”.*

**Senior Welsh trade unionist**

*[The Building Fair Work in Construction report] does push the government quite hard on what more it could and should be doing on procurement to use that leverage of being the big client more effectively to create positive change in the [ construction] industry.”*

**Senior Scottish Trade unionist**

# The fair work agenda – expert interview data

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Equality specialist – Wales

[Equality within the context of fair work] is still talked about, but not some of the detail isn't necessarily talked about. What I think is positive is, is it still when they talk about fair work the issue of income inequality still comes up and pay inequalities. So I think it is still in there...

...it hasn't necessarily been talked about in the way that it was, in the same way that it was when the Fair Work Commission happened. So I'm just kind of keeping a beady eye and making sure that it doesn't fall off the radar...

# The fair work agenda – expert interview data

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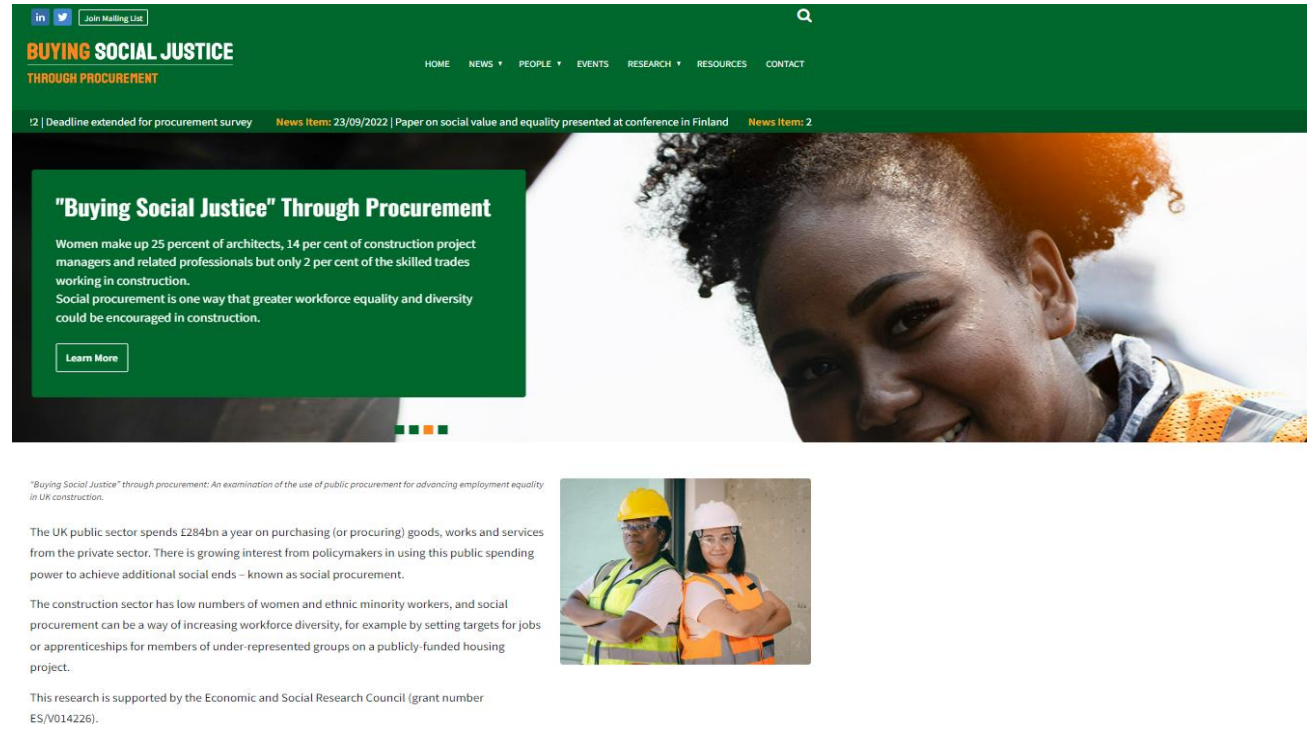
## **Equality specialist – Scotland**

I think the term fairness does seem to have crept in quite a bit now...It's different to equality, and it seems much more timid ...it's much more subjective as well, fairness, as opposed to equality.. so yeah, I'm not too much into the fairness word...

...when you then look at what public bodies are saying about procurement that you see a lot of reference to Fair Work now and Fair Work is this umbrella banner for different things apparently including the gender pay gap, but it's so high level that it's difficult to see what change it's actually creating.

# Conclusion and next steps

- There is a potential for gender and race equality to become de-emphasised in social procurement practice in the context of the Fair Work agendas in Scotland and Wales
- However, there may be ways to encourage their consideration alongside fair work/socio-economic considerations
- Survey of procurement specialists
  - local authorities,
  - housing associations,
  - universities
- Case studies of ‘best practice’



**BUYING SOCIAL JUSTICE**  
THROUGH PROCUREMENT

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2 | Deadline extended for procurement survey News Item: 23/09/2022 | Paper on social value and equality presented at conference in Finland News Item: 2

## "Buying Social Justice" Through Procurement

Women make up 25 percent of architects, 14 per cent of construction project managers and related professionals but only 2 per cent of the skilled trades working in construction.  
Social procurement is one way that greater workforce equality and diversity could be encouraged in construction.


[Learn More](#)

"Buying Social Justice" through procurement: An examination of the use of public procurement for advancing employment equality in UK construction.

The UK public sector spends £284bn a year on purchasing (or procuring) goods, works and services from the private sector. There is growing interest from policymakers in using this public spending power to achieve additional social ends – known as social procurement.

The construction sector has low numbers of women and ethnic minority workers, and social procurement can be a way of increasing workforce diversity, for example by setting targets for jobs or apprenticeships for members of under-represented groups on a publicly-funded housing project.

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