



ALBA | CHRUTHACHAIL

Creative Scotland Funding Criteria: 5. Fair Work

Introduction

In 2021/22 Creative Scotland refreshed its Strategic Framework, establishing a new set of aims and priorities to guide our work. This refresh took into account our remit and the role we are here to deliver. As part of this, we also updated our funding criteria, on which we will base all future funding activity.

These criteria are:

1. Quality and Ambition
2. Engagement
3. Equalities, Diversity and Inclusion (EDI)
4. Environmental Sustainability
- 5. Fair Work**
6. International (optional - only for applications involving international activity)

Each of the criteria listed above has its own guide, that sets out:

- The outcomes we want to see in this area of our work as a result of our funding
- Where this work aligns to national policy agendas
- Key aspects of the sector's work in this area, including current challenges
- Any links to relevant further information.

To access each guide please **visit our website**.

Please note that applicants to our Funds do not necessarily need to address all the Criteria set out here. Each Fund will have specific questions which will be proportionate to the levels of funding available. We recognise that organisations and individuals work in different ways and will be at different stages in their development. However, Creative Scotland does expect all those we fund to have a clear vision for delivery against the Fund Criteria and to report impact against them.

Fair Work

Key outcomes

Our Priority: Promoting fair pay, conditions, and employment opportunities across the creative sector

What do we want to achieve?

We want people working in the culture and creative sector to have fair access to opportunities, be treated with respect and be paid fairly for the work that they do.

We want to help create the conditions for more opportunities to work in and progress through our sectors. This includes ensuring that every individual or organisation we fund offer terms and conditions which are demonstrably fair, and advocating for Fair Work principles to be applied universally in the sectors we support.

How do we define Fair Work?

The Fair Work Convention's Fair Work Framework defines it as '*work that offers all individuals security, opportunity, respect, fulfilment and effective voice*'. Research identifies long-term systemic issues in the culture and creative sector which are impacting the delivery of Fair Work principles.

We view **fair pay and precarious work** as persistent problems to be addressed in part through our funding decisions, including with the significant proportion of people who work on a freelance basis. We also want to see fairer **recruitment and opportunity**, with clearer and more effective career progression routes. We believe that **workforce and leadership development should** be part of cultural organisational planning and that organisations we fund should have a clear approach to ensure **dignity at work** for employees and others they work with.

Why is this a priority?

Creative Scotland sees Fair Work as an essential principle in the culture and creative sectors. The benefits include increased productivity and innovation, a greater ability to attract and retain employees and reduced absenteeism. Fair Work can further help in addressing sector skills shortages and enabling more flexible working. Ultimately Fair Work promotes improved wellbeing, both for individuals and in the wider context of the Scottish Government's goal of establishing a wellbeing economy.

There are also clear links to our priorities for Equalities, Diversity and Inclusion. COVID caused immediate disruption and financial hardship for many within the culture and creative sectors – impacting the resilience of these sectors disproportionately, with severe skills shortages and burnout. Those hardest hit in the workforce included women, disabled people and minority ethnic communities. Should this inequity not be recognised and acted upon, the working terms and conditions of many could deteriorate further. We recognise that many poor workplace practices can compound the barriers already faced by many in the culture and creative sectors. Fair Work is an opportunity to shift who is included, valued and supported in the workforce, and who will lead its development in the longer term.

Proportionality

While there is a good understanding of the Fair Work in the culture and creative sector, and a clear willingness for positive change, it will take time and significant resources to implement solutions. It is difficult to separate Fair Work from the wider challenges posed by business and funding structures and broader inequality in society. Sector support organisations face a double challenge to both implement Fair Work within their own organisations, while also encouraging best practice for their members and networks - which can include a broad range of freelancers and organisations of different sizes and business models.

National policy agendas

Our roles and responsibilities

Fair Work First is the Scottish Government's policy for delivering fair work across the labour market in Scotland. Its vision is 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. The approach is being developed by the Scottish Government, trade unions and businesses to support fair work practices in all businesses including employing people from disadvantaged groups.

The Scottish Government's A Culture Strategy for Scotland outlines actions to support the cultural workforce through advocating for Fair Work practices and principles, and a Real Living Wage for the workforce.

The Scottish Government now requires Fair Work conditions in all public funding agreements. All fund recipients are expected to adhere to the Fair Work Framework and all organisations are asked to commit, where relevant, to the following Fair Work First criteria:

- appropriate channels for effective voice, such as trade union recognition;
- investment in workforce development;
- no inappropriate use of zero hours contracts;
- action to tackle the gender pay gap and create a more diverse and inclusive workplace; and
- payment of the Real Living Wage

Consequently, Creative Scotland will expect the organisations we fund to have clear and visible policies and procedures relating to Fair Work.

Please note that from July 2023, In line with **Scottish Government guidance**, we will require successful applicants to funding programmes awarding Scottish Government funds to:

- Confirm that they will pay the Real Living Wage to directly employed staff, apprentices, 16-17 year-old workers and contracted and agency staff from the start of the funded period (providing relevant documentation to evidence this where awards are over £100,000)
- Confirm that Effective Voice for workers is in place in their organisation
- Confirm that their workforce representative has agreed that all workers employed within the organisation have access to effective voice channels

Key work in this area

Fair Pay and Precarious Work

Being appropriately valued and respected for an individual's time and output are key components of Fair Work. We want to encourage everyone who can improve pay for artists and creative people to do so, in order to ensure that Scotland is a country where artists and creative practitioners can live and work successfully. One way is to adopt the Real Living Wage, in line with the guidance the Scottish Government has introduced. Other **sector specific sector rates of pay** are also used within specialisms to provide guidance to employers and workers.

In all medium and longer-term planning, organisations should aim to improve the quality and reliability of the work they offer. Employee security and precarious work have historically been concerns for workers in the culture and creative sectors and public funding should not perpetuate such insecurity. We expect to see practices such as unpaid work (in roles such as unpaid internships) and the use of temporary or zero-hours contracts become less prevalent and eventually phased out. These practices affect employee wellbeing and productivity, contributing to illness, absence and workers leaving the sector. It also inhibits efforts to attract and recruit people with required skills to the sector.

We want to see freelance workers in the culture and creative sectors rewarded fairly for the work that they do. Freelancers make a significant contribution to the success of these sectors in Scotland which have always relied heavily on freelance and casual work but particular in the last two decades. While freelance working can have advantages (for both individuals and employers) challenges include poor contracting practices, long working hours, poor payment practices, and a lack of professional development, training or business support. There is evidence that some creative freelancers work a portfolio of low paid, precarious jobs which impact on their wellbeing and can be excluded or only partially covered by social security protection. Continuing poor practice risks workers being pushed out of the sector, eroding stability and sustainability across the sector.

Recruitment and Opportunity

The culture and creative sector uses a range of routes to recruit and develop talent. We know that the use of unpaid work in the sector remains a challenge – creating a barrier to entry to those who don't have connections or who can't afford to support themselves when not being paid. There can still be misunderstanding of the different types of training and employment routes and this reduces inclusivity as well as resilience within the sector. We expect those we fund to consider when it is appropriate to use volunteers and voluntary workers and understand best practice in working with these groups.

Employment opportunities offered in the culture and creative sector, whether they are paid or legitimately unpaid (e.g. volunteering), provide openings into work and present individuals with the chance to gain new and transferable skills. There is currently a relatively low number of graduate and dedicated apprenticeship opportunities which reflects a sector with a high proportion of small or micro-businesses. We want to see well-developed and managed opportunities for people to join the sector – as employees, through work experience, industry placements, apprenticeships and paid internships – and for employers to be actively reflecting on what routes they could offer in the future. Employers promoting Fair Work as part of their recruitment strategies will increase their profile in attracting diverse talent.

Everybody should be committed to diversifying the workforce in the culture and creative sector in Scotland. Valuing difference helps to make our sectors more relevant and responsive. Inclusion starts with recruitment and organisations should implement open and accessible recruitment processes which encourage applications from the widest possible pool of people, regardless of background or circumstance. Positive career development opportunities need to be visible not just to support the existing workforce, but also to encourage young and diverse new entrants, thereby supporting the sector's sustainability.

Workforce and leadership development

We want to see diverse talent identified and nurtured. This means people being able to extend their skills through learning, sharing knowledge and having access to information and networks. Research has identified investment in skills as a key priority for delivering Fair Work, with barriers including a lack of awareness of development opportunities and limited access to business, management, planning, entrepreneurial and digital skills. Freelancers in particular struggle to source and access these developmental opportunities. Sector support organisations do offer support that includes creative practice and talent development; peer learning, mentoring and technical training. Opportunities to develop digital, business finance and marketing and communications skills are less prevalent.

We want to see knowledgeable, confident and ambitious leaders working across Scotland's culture and creative sector. We want to see leadership development opportunities available with strong content, reach and impact, noting that the range of skills required by leaders today is complex and changing. These include informal opportunities – peer learning, networking or mentoring – as well as formal initiatives for boards, organisations and individuals. Identified gaps in provision include governance, organisational and resilience skills development.

We see workforce and leadership development as critical for creative sector recovery from the uncertainty and turbulence caused by the COVID pandemic. For larger organisations leadership development initiatives may be delivered in-house, but we recognise that smaller organisations struggle to be able to resource such skills development. For the majority of those working in the creative and cultural sectors, external support will be required, including working with national bodies and skills development agencies. The pandemic saw new flexible, accessible, and digitally enabled approaches to workforce and leadership development and learning from these models should also be explored.

Dignity at Work

We believe that everyone working in Scotland's culture and creative sector is entitled to be treated with dignity and respect, whether they are an employee, employer, freelancer, contractor, Board member or volunteer. Creative Scotland does not tolerate bullying, harassment, or victimisation under any circumstance, and expects the same of any organisation, individual or project that we support with public funding.

Under the Equality Act 2010 it is unlawful to discriminate against someone because of one or more of the nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation). Harassment and victimisation related to these characteristics is also unlawful. We are committed to tackling discrimination and all forms of prejudice. As the national body for creative development, we have a responsibility to ensure our support reflects the diversity of Scotland's population and we continue to work to ensure we meet the requirements of the Public Sector Equality Duty 2010.

Bullying, harassment, discrimination and victimisation harm lives, cause emotional distress and adversely affect careers. There is a strong collective will to tackle these unacceptable behaviours in Scotland's culture and creative sector. It is important to take steps where possible to address them, so that everyone can feel safe and respected when working in the sector. We expect organisations that we fund to take all reasonable steps to prevent these behaviours, and if they occur, to deal with these instances appropriately.

Further information and supporting resources

Below are links to policies, guidance and research which may be helpful. Please note that it is not necessary to read these in order to apply but may help you understand the wider context in which your work fits:

- **Creative Scotland Fair Work resources**
- **Creative Scotland Annual Plan**
- **Scottish Government Culture Strategy for Scotland**
- **Fair Work Convention**
- **Culture Radar Fair Work Mapping Report**
- **Scottish Government Fair Work First resources**
- **Creative Scotland Fairer Recruitment Guide**
- **Creative Scotland Rates of Pay Guidance**
- **Illustrated Freelancers Guide**



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