



Llywodraeth Cymru  
Welsh Government



Unpublished

REPORT

# Fair Work Commission recommendations: progress report 2023

A report on progress made against the Fair Work Commission's recommendations.

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# Introduction

The Fair Work Commission published its Fair Work Wales report in May 2019. The Welsh Government formally accepted the 6 priority recommendations in the report.

All 6 priority recommendations have been implemented and delivered. The remaining 42 recommendations were accepted in principle. Of these, the majority have either been delivered or their delivery is in progress.

There are a number of recommendations that are in progress. This is largely a consequence of many recommendations specifically calling for or requiring ongoing activity, rather than the finality of an action that can be delivered and then closed off.

There are a very small number of recommendations that we accepted in principle, but on which significant feasibility and suitability issues have become apparent following further policy consideration and exploration.

In each case where we have not been able to progress a recommendation in the precise way in which the Commission may have intended, we have identified alternative approaches and methods to deliver on the intention and objective behind the recommendation.

Since the publication of the Fair Work Wales report almost 4 years ago, the world of work and workers experience of it has continued to change. The accelerated growth of remote and hybrid working across some occupations and

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some sectors is an example of a change the Commission could not have been expected to anticipate when it made its recommendations.

We are determined in using all of our levers to promote and encourage fair work and to do so in ways that allow us to respond to new challenges and opportunities. For these reasons, we have and will continue to go beyond the recommendations made by the Commission as we strive to improve the prevalence of and access to fair work.

## **Priority recommendations: accepted in full**

### **Recommendation 1: we recommend fair work be seen to be a responsibility of all Welsh Government Ministers and officials**

#### **Action to date**

We have established a common definition of fair work across Government that has the full support of all Welsh Ministers, and which is at the heart of our Programme for Government and cross-government approaches like the [Employability and Skills Plan](#) and our equality action plans.

## Status

Delivered.

## **Recommendation 2: we recommend the (Fair Work Commission's) definition and characteristics of fair work should be adopted and used across the Welsh Government and in its promotion of fair work**

The definition and characteristics should be considered as a piece.

## Action to date

The definition of fair work provided by the Fair Work Commission is guiding the approach to fair work across all portfolios. For example, the fair work pillar of the **Economic Contract** has been changed to reflect this definition.

## Status

Delivered.

## **Recommendation 10(b): we recommend that our observations and recommendations inform the**

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## development of the proposed Social Partnership Act

### Action to date

We have used the Fair Work Commission's work to help inform the Social Partnership and Public Procurement Bill. The Bill is currently undergoing legislative scrutiny in the Senedd.

### Status

Delivered.

## Recommendation 26: we recommend that the Welsh Government state a public policy commitment to promoting trade unions and collective bargaining

### Action to date

We have repeatedly issued [communications](#) and [statements](#) to promote the role of Trade Unions, we have worked alongside the Wales TUC to develop the [Unions and the World of Work pilot project](#) and we promote the TUC's 'find a union tool' on our website.

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## **Status**

Delivered.

## **Recommendation 35: we recommend the creation of an adequately funded and appropriately staffed Office for Fair Work**

This dedicated resource within the Welsh Government is a necessary linchpin for fair work.

## **Action to date**

We have established a Directorate within the Welsh Government which contains civil servants, alongside individuals seconded from the social partners, to lead and co-ordinate the social partnership and fair work agenda.

## **Status**

Delivered.

## **Recommendation 42: we recommend that Ministers be required to report internally on a regular basis on how fair**

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## **work is being advanced within their area**

This reporting should inform an annual Fair Work Wales Report published by the Welsh Government.

### **Action to date**

We report on our activities across Government each year through the form of a Ministerial Statement that serves as an **annual progress update**.

### **Status**

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## **Other recommendations: accepted in principle**

**Recommendation 3: we recommend the Welsh Government engages with its social partners and wider stakeholders to identify what is appropriate and achievable in different contexts in relation to the indicators of fair work characteristics and to provide sustainability to the definition over time**

This may be done within the proposed Fair Work Forums.

### **Action to date**

We are in constant touch with social partners about all aspects of fair work, including in relation to specific contexts such as **Social Care** and **Retail**. There are capacity issues, not least with our social partners, which mean a comprehensive approach to all contexts at the same time is not practicable. We are taking a pragmatic approach to this recommendation, which allows us to focus on particular areas of challenge and opportunity and this includes embedding fair work into our equality action plans.

### **Status**

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## **Recommendation 4: we recommend Welsh Government explores and takes all opportunities within its legislative competence to take forward fair work**

### **Action to date**

We have explored and tested legislative competence in our work to develop the Social Partnership and Public Procurement Bill. We are also progressing the Programme for Government commitment to explore legislative opportunities in relation to pay gaps.

### **Status**

In progress.

## **Recommendation 5(a): we recommend Welsh Government accept the EHRC recommendation to improve the specific duties under the Equality Act (Statutory Duties) (Wales) Regulations 2011**

### **Action to date**

This recommendation is in part addressed with the publication of the Welsh Government's [Equality Plan and Objectives for 2020 to 2024](#) and the commitment to review the Public Sector Equality Duty (PSED).

### **Status**

Delivered.

## **Recommendation 5(b): Welsh Ministers should make connections between the equality objectives which they set themselves under Government of Wales Act 2006 s 77 and fair work as set out in this Report**

### **Action to date**

As above and we are embedding fair work into our equality action plan and we have established a **National Milestone** on an elimination of the pay gap for gender, disability and ethnicity by 2050.

### **Status**

Delivered.

## **Recommendation 6(a): we recommend that well-being objectives of public bodies set under the Well-being of Future Generations (Wales) Act 2015 incorporate fair work as defined by this Commission**

### **Action to date**

The Social Partnership and Public Procurement Bill, if passed, will mean that public bodies in Wales will need to consider fair work in the pursuit of their well-being goals and the setting of related objectives.

### **Status**

In progress.

## **Recommendation 6(b): we recommend the Fair Work Commission’s definition and characteristics of fair work should inform the way in which the well-being goals are developed and operated in practice and the work of the Future Generations Commissioner**

### **Action to date**

The Social Partnership and Public Procurement Bill will amend the “A Prosperous Wales” well-being goal so that it references fair work. We intend to make non-statutory guidance available alongside this.

### **Status**

In progress.

## **Recommendation 6(c): we recommend discussions take place with the Future Generations Commissioner with a view to implementing Recommendations 6a and 6b**

### **Action to date**

The Social Partnership and Public Procurement Bill will, if passed, ensure alignment between the Bill and the Well-being of Future Generations Act. We will continue to engage the Future Generations Commissioner on these matters.

### **Status**

In progress.

**Recommendation 7(a): we recommend that in its current consideration of modernising the Agriculture Wages Orders the Panel should take full account of this Commission’s definition and characteristics of fair work, including the integrated equality requirement, and that serious consideration should be given to ending the lower rate for those below age 25**

### **Action to date**

The definition of fair work has been brought to the attention of the Agricultural Advisory Panel and they have assured us it is being factored into their thinking. To date, the Panel has decided against ending the lower minimum pay rate for those below 25.

### **Status**

In progress.

**Recommendation 7(b): the Commission recommends that the Agricultural Advisory Panel be asked to investigate and report on the feasibility of paying the Welsh living wage (equating to the real living wage) in Welsh**

## **agriculture, phased in over a 3 year period**

### **Action to date**

The Agricultural Advisory Panel have considered payment of the real living wage as a baseline for all wages and Welsh Ministers have engaged the Panel on this issue. To date, the Panel has considered the real living wage as the baseline for all wages to be unaffordable and has maintained an agricultural wages regime largely framed by the statutory minimums. We continue to engage the Panel on these matters.

### **Status**

In progress.

**Recommendation 8: we recommend that, following the imminent review of the Regulations, Welsh Government should assess whether the approach of linking delivery of quality public services to the well-being of workers, in order to make an intervention, is one which might be used in other regulated sectors**

### **Action to date**

The link between public service delivery and well-being has underpinned the work on the Social Partnership and Public Procurement Bill and the link between fair work and well-being forms part of our wider framing.

### **Status**

In progress.

**Recommendation 9: we recommend that the Welsh Government explore further opportunities to promote fair work using its power under section 60 of the Government of Wales Act (and other legislative powers to issue advice and guidance) to further social and economic well-being**

## **in Wales**

### **Action to date**

We have explored and tested Welsh Ministers executive powers under GOWA and the legislative competence of the Senedd as part of our work on the Social Partnership and Public Procurement Bill.

### **Status**

Delivered.

### **Recommendation 10(a): we recommend that steps be taken to put social partnership on a firmer statutory basis in order to embed social partnership more securely and provide assurance of continuity**

In the process of doing this the nature, role and Welsh Government expectations of social partnership should be clarified; existing arrangements for social partnership and social dialogue should be reviewed and where necessary enhanced or extended.

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## **Action to date**

This will be achieved through the Social Partnership and Public Procurement Bill and the cross-Government review of social partnership structures in Wales which is underway.

## **Status**

In progress.

## **Recommendation 11: where it lacks legislative competence the Welsh Government should use its influence to pro-actively press the UK Government for legislation conducive to furthering Fair Work Wales**

To this end the Welsh Government should allocate clear and appropriate responsibility for such engagement and develop a view of the employment and industrial relations legislation which it would wish to see.

## **Action to date**

We have and will continue to press the case with the UK Government for strengthened employment rights and enforcement. This includes calling upon them to tackle irresponsible fire and rehire practices; introduce new rights and

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protections for flexible and remote working; and to ensure all workers have a right to guaranteed hours, statutory sick pay and a minimum wage that provides a decent standard of living.

## **Status**

In progress.

## **Recommendation 12: we recommend the Welsh Government seek to ensure there is no weakening of existing employment rights following withdrawal from the European Union**

That new Trade Agreements protect and not 'trade away' employment standards and that UK employment legislation keeps pace with progressive future developments in EU legislation supportive of fair work.

## **Action to date**

We have and will continue to make the case to the UK Government against a weakening of workers' rights or regulatory divergence that leaves UK workers less protected than their EU counterparts.

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## Status

In progress.

## **Recommendation 13: we recommend the Welsh Government take the opportunity provided by the UK Government's forthcoming consultation on proposals for a single labour market enforcement agency**

Recommendations:

- press for well resourced, more comprehensive, pro-active state inspection and enforcement with deterrent penalties
- encourage the UK Government to consider the desirability and feasibility of a specific focus on enforcement arrangements in Wales within the overall UK agency enforcement structure
- encourage the UK Government to develop a wider notion of an 'unfair practice contact point' as part of its consultation

## Action to date

We have urged the UK Government to bring forward an Employment Bill that not only establishes a Single Enforcement Body, but a properly funded and empowered Single Enforcement Body that has the teeth and resources to tackle non-compliant behaviours and deter poor practice. We also continue to work to

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raise the profile of UK enforcement agencies in Wales and we are looking at the potential to establish a group of relevant agencies and social partners. And we have established a constructive relationship with the UK Government's Director of Labour Market Enforcement.

## **Status**

In progress.

## **Recommendation 14: we recommend the Welsh Government develop and implement a strategy to improve the effectiveness of existing rights enforcement in Wales**

In keeping with recommendations 15 to 17, components of such a strategy should include:

- improving knowledge of rights
- increasing workers' ability to pursue their rights
- measures to increase the detection of non-compliance and its consequences

## **Action to date**

We have developed and delivered a workers' rights and responsibilities campaign to raise awareness of workers' rights and avenues of information,

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advice, and guidance. We have supported the delivery of **workshops** in specific sectors like the food and drink sector. We will continue to build on these approaches.

## Status

In progress

## **Recommendation 15(a): we recommend the Welsh Government bring together statutory provisions (whether in employment law, company law, equality law or other) which confer rights or impose obligations relevant to fair work**

This should be accompanied by a short easy-read guide.

## Action to date

Employment rights is a complex and changeable landscape and is a reserved matter. There is a high risk that implementation of this recommendation could lead to material being produced which is inaccurate or which quickly becomes out of date. Poor and misleading information poses as big a risk as the absence of information. The approach we have adopted is to **signpost** to trusted sources (such as Acas), rather than attempt to reinterpret that information or produce alternative versions of that information.

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## Status

Alternative approach identified.

**Recommendation 15(b): we recommend a targeted ‘know your rights’ campaign making full use of social media as well as other channels to increase awareness and knowledge of rights and how to seek redress**

## Action to date

We developed and delivered a **Workers' Rights and Responsibilities Campaign** to raise awareness of workers' rights and avenues of information, advice and guidance.

## Status

Delivered.

**Recommendation 15(c): we recommend awareness of rights among prospective workers is increased through, for example, Careers Wales, Skills Gateway, and through**

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## **work-based learning providers in relation to apprentices**

### **Action to date**

We are taking this forward through delivery of the **Employability and Skills Plan** within which “championing fair work for all” is one of its 5 key priorities.

### **Status**

In progress.

**Recommendation 16: we recommend the Welsh Government assist workers to enforce their rights by facilitating the availability of, and access to, advice and support, for example through funding support for advisory and support services**

### **Action to date**

We fund Citizens Advice to deliver **advisory services** and we have also worked with Acas to secure the delivery of bespoke webinars on workers’ rights and employer responsibilities. We continue to build on this, with for example, the

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delivery of bespoke **workshops** in specific sectors, and through the development of on-line resources.

## **Status**

Delivered.

## **Recommendation 17(a): we recommend the Welsh Government (through the Office for Fair Work) seek out opportunities to support and enhance the enforcement role of UK enforcement agencies in Wales**

This would include encouraging the involvement of trade unions, civil society bodies and employers.

## **Action to date**

We are working on establishing a Forum on workforce rights and responsibilities involving the Welsh Government, social partners, and relevant labour market agencies.

## **Status**

In progress.

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## **Recommendation 17(b): we recommend that, if a UK-wide whistleblowing point of contact is not created, the Welsh Government undertake a feasibility study on how it might be provided within Wales**

### **Action to date**

We have pressed the UK Government to establish a Single Enforcement Body and for it to act as a single point of contact. There are significant feasibility challenges to establishing a single point of contact in Wales for matters which are reserved and where the enforcement functions and ability to remedy concerns sit outside of our devolved responsibilities.

### **Status**

In progress.

## **Recommendation 17(c): we recommend the Welsh Government co-ordinates information about organisations in Wales which have and have not complied with their statutory obligations, making this information easily accessible by the public**

### **Action to date**

We do not own and do not have comprehensive access to company-by-company information around non-compliance and so it is not possible for us to accurately and consistently 'name and shame' such organisations in the way envisaged by the Fair Work Commission. We instead press the UK Government to improve transparency around non-compliance.

### **Status**

Alternative approach identified.

## **Recommendation 18: we recommend the following**

recommendations:

- public money should be provided only to organisations fulfilling, or working

towards fulfilling our definition and characteristics of fair work (organisations meeting the Fair Work Wales standard)

- inward investors should be fair work organisations
- infrastructure projects and large capital investment projects should be Fair Work Wales projects
- the focus and priorities of public sector contracting should shift towards social value, including fair work

## Action to date

We have focussed our efforts on improving the reach and impact of the Economic Contract and Code of Practice on Ethical Employment in Supply Chains as routes through which we can have better assurance that the organisations we work with share our values (including in relation to fair work). In addition, the socially responsible procurement duty will strengthen the part that contract management can play.

## Status

In progress.

**Recommendation 19: we recommend that, in keeping with its stated intention, the Welsh Government adopt the Fair Work Commission's definition of fair work in relation to the economic contract/calls for action/Economy Futures**

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## Fund

### Action to date

We have revised the fair work pillar of the **Economic Contract** so that it now reflects the wording of the Fair Work Commission's definition of fair work.

### Status

Delivered.

**Recommendation 20: we recommend coverage should be extended to finance provided from the Development Bank of Wales and Business Wales (with the objective of assisting employers to meet fair work requirements rather than seeking to exclude them from funding)**

### Action to date

Work is underway to review the Economic Contract and its implementation.

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## **Status**

In progress.

## **Recommendation 21: we recommend that the Fair Work Commission's definition and characteristics of fair work be adopted and given prominence within the Code of Practice: Ethical Employment in Supply Chains**

### **Action to date**

We are in the process of reviewing the Code of Practice on ethical employment in supply chains and its accompanying guides. Better reflecting the Fair Work Commission definition of fair work is one of the objectives of that review.

## **Status**

Delivered.

## **Recommendation 22: with regard to the Code of Practice: ethical employment in supply chains**

We further recommend:

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- signing up to the Code should be made a requirement of Welsh public bodies and those organisations in receipt of public funding
- more directed action should be taken to encourage a greater number of businesses not in receipt of public funding to sign up against set targets
- those signing up to the Code should be required to demonstrate how and what consideration has been given to paying the Welsh Living Wage, with an action plan to achieve this
- the Welsh Government should ensure sufficient resourcing to provide effective implementation and monitoring of the Code
- signatories to the Code be required to be open to audit and monitoring (including provision of data) with an independent element. This is particularly important with long term supply contracts

## Action to date

Ongoing work has indicated that making the Code of Practice mandatory, in its entirety, would potentially have a number of unintended and undesirable consequences. Better traction, commitment, and delivery can currently be achieved by engaging, explaining, and encouraging organisations to sign up, as opposed to mandating them to do so. The number of signatories continues to grow, with over 470 organisations signing up to the Code to date.

## Status

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## **Recommendation 23: we recommend that fair work is a guiding principle of the wider review into the use of public funding which is being developed**

### **Action to date**

We are embedding the fair work definition across the Welsh Government and ensure that it is considered in programmes and interventions, particularly where public funding is supporting external organisations.

### **Status**

In progress.

**Recommendation 24: we recommend the Welsh Government, through monitoring experimentation elsewhere and/or through pilot schemes in Wales, ascertains what works in terms of other ways in which public funding can promote fair work (for example through rates or tax incentives)**

### **Action to date**

We are exploring opportunities to improve the link between public funding and its ability to encourage fair work, including looking at the lessons we can learn from the Scottish 'Fair Work First' approach.

### **Status**

In progress.

## **Recommendation 25: we recommend the Welsh Government take all measures possible within its sphere of competence to support and promote trade unions and collective bargaining**

### **Action to date**

We have and will continue to promote trade unions (see action on recommendation 26) and the benefits for employers and workers of collective bargaining in our messaging. This included a [ministerial letter](#) sent to thousands of businesses who benefitted from Economic Resilience Fund support and our continued core grant support to the Wales TUC.

### **Status**

In progress.

## **Recommendation 27: we recommend that the Welsh Government continues its investment in Wales Union Learning Fund**

### **Action to date**

We are continuing to **invest** in the Wales Union Learning Fund.

### **Status**

Delivered.

## **Recommendation 28: we recommend that the Welsh Government develop and resource a communications and marketing strategy to create widespread awareness of the fair work agenda and generate enthusiasm for it**

### **Action to date**

We are using existing communications channels, including **Business Wales**, and working with social partners and other relevant organisations to make use of their communications channels and networks to promote the fair work agenda.

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## **Status**

In progress.

**Recommendation 29: we recommend that the Welsh Government work with key stakeholders, allies and advocates of fair work to publicise and ‘sell’ the concept of Fair Work Wales, fostering active interest and engagement of the people of Wales in the fair work endeavour**

## **Action to date**

We want to establish employer role models who actively champion fair work to peers and showcase fair work through inspirational case studies that have wide reach and impact. We have sought the support of social partners with this. And we are supporting organisations such as Cynnal Cymru (the Real Living Wage accreditation body in Wales) and Business in the Community to increase their capacity to engage employers.

## **Status**

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## **Recommendation 30: we recommend that evidence of macro and micro level benefits of fair work, and of the negative organisational and societal impacts of unfair work, is marshalled and publicised**

Where evidence is absent for Wales it should be commissioned. This might include research at different levels of aggregation to demonstrate what works, and the gains which might be secured in particular contexts.

### **Action to date**

We are making use of qualitative and quantitative evidence that both supports the case for fair work, and which also indicates the disbenefits and hidden costs of unfair work. We are using this in our messaging, and we also expect it to form part of the non-statutory guidance on fair work which will accompany the Social Partnership and Public Procurement Bill.

### **Status**

In progress.

## **Recommendation 31: we recommend that the Welsh Government and public sector bodies ensure they are**

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## **actively and visibly Fair Work Wales organisations**

### **Action to date**

We continue to emphasise the importance of the Welsh Government and the wider devolved public sector in leading by example on fair work as employers, policymakers and service providers, funders of other organisations and as procurers of goods and services.

### **Status**

In progress.

## **Recommendation 32: we recommend that Welsh Ministers should take every opportunity to use their influence to further promote and advertise fair work**

### **Action to date**

See response to recommendation 29.

## **Status**

In progress.

### **Recommendation 32(a): we recommend the Welsh Government use its convening power to bring together fair work allies to create a lasting movement towards fair work**

This includes trade unions and other civil society organisations, responsible businesses and independent experts.

## **Action to date**

See response to recommendation 29.

## **Status**

In progress.

### **Recommendation 32(b): we recommend the Welsh Government enlist the support and influence of willing employers to increase the visibility and desirability of fair**

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## **work within the different business communities**

This might include identifying Fair Work Wales Champions or Ambassadors.

### **Action to date**

See response to recommendation 29.

### **Status**

In progress.

**Recommendation 33: we recommend that the Welsh Government, in consultation with its social partners, take the steps we indicate to assist and support willing employers to embody the characteristics of fair work in their organisations**

### **Action to date**

We are in regular and frequent dialogue with social partners about further steps that Government, social partners, and others can take to increase the prevalence of fair work.

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## **Status**

In progress.

### **Recommendation 34: we recommend the Welsh Government invite Acas, EHRC and other relevant bodies to work together to map their advice onto the characteristics and indicators of fair work elaborated in Part 2 of this Report**

The aim would be consolidation and simplification 57 of appropriate advice and signposting clear pathways to assistance, including online resources.

## **Action to date**

We regularly engage with Acas and EHRC and they are aware of our fair work characteristics, and we signpost to their information as appropriate.

## **Status**

Delivered.

### **Recommendation 36: we recommend that the Welsh**

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## **Government, working within social partnership, explores the feasibility of Fair Work Wales Forums with a view to initiating, fostering and supporting these**

### **Action to date**

We have established a **Social Care Fair Work Forum** and through discussion with social partners. We have identified that embedding social partnership and fair work into wider discussions can be more productive than setting up standalone 'fair work forums' which risk considering fair work in isolation from wider matters. This is the approach we have taken to the **Retail Forum** for example.

### **Status**

Delivered.

## **Recommendation 37: we recommend a start be made by setting up a Fair Work Wales Forum in Social Care**

### **Action to date**

We established the Social Care Fair Work Forum and it, and its sub-groups

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continue to meet regularly.

## Status

Delivered.

## **Recommendation 38: we recommend a public-facing Fair Work Wales standard be developed based on the indicators of fair work characteristics set out in this Report**

This should be promoted actively by the Welsh Government and reinforced through a form of accreditation. Tailored Fair Work Wales standards, reflecting context, should be developed through a process of multi-stakeholder social dialogue.

## Action to date

We have concluded this is neither feasible nor suitable for several reasons including (i) we already have the Economic Contract and the Code of Practice and it makes sense to improve their reach and impact of these, rather than crowd the market place with something new (ii) the extent of social partnership consensus on specifically what a 'standard' should require is unclear; (iii) the resource overhead of developing, delivering and maintaining a new accreditation is high and our capacity to do this is limited; (iv) given the breadth of fair work, it

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is inherently challenging to develop an all- encompassing standard relevant to all; (v) there are already various forms of accreditation relevant to particular aspects of fair work, such as Real Living Wage accreditation, we want to promote and not compete with these.

## **Status**

Alternative approach identified.

## **Recommendation 39: we recommend a (virtual) Fair Work Wales Observatory is set up to make available additional capacity and expertise in carrying fair work forward**

## **Action to date**

We are using a social partnership model to drive fair work and we are making use of evidence social partners provide as well as that which emerges from think tanks and research bodies. We are also making use of official statistics and internal research resources. In this context, we have concluded that establishing an Observatory would not significantly add to the expertise that is already available.

## Status

Alternative approach identified

## **Recommendation 40: we recommend the Welsh Government establish a Fair Work Wales Fund, open to bids from civil society organisations and trade unions**

### Action to date

There is not sufficient headroom in our budget to currently allow for this. Our focus is on aligning and bending sources of funding across Government toward fair work and influencing the programmes and interventions of others, rather than carving out a separate and stand-alone fund.

## Status

Alternative approach identified.

## **Recommendation 41: we recommend a report setting out progress on implementation of the Fair Work Commission's recommendations should be presented no**

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**later than 6 months from the publication of this Report and at regular intervals thereafter**

### **Action to date**

We have been making annual statements to plenary on fair work progress and we have published this report which provides an update on each of the 48 recommendations.

### **Status**

Delivered.

**Recommendation 43: we recommend that the technical annex to this Report, prepared by the Commission's Independent Expert Advisor, forms a starting point for discussions on a data infrastructure plan and data collection**

### **Action to date**

The technical annex has helped to inform our fair work measures.

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## **Status**

Delivered.

**Recommendation 44(a): we recommend the Welsh Government continue to boost the Welsh sample size of surveys which produce data of relevance to tracking fair work whenever the opportunity arises**

## **Action to date**

We have boosted sample sizes and successfully included national survey questions related to the fair work agenda.

## **Status**

Delivered.

**Recommendation 44(b): we recommend that the opportunity for engagement and consultation on future UK data collection exercises in this area should be pursued, so that the Welsh definition and characteristics**

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**of fair work feature more strongly and disaggregation of the resulting data is possible**

### **Action to date**

See response to 44(a).

### **Status**

Delivered.

**Recommendation 44(c): relatedly we recommend the Welsh Government encourage the Office for National Statistics (ONS) to recognise the fair work data requirements of the devolved administrations**

### **Action to date**

See response to 44(a).

## **Status**

Delivered.

## **Recommendation 45: we recommend a dedicated Welsh survey of employers be designed to track the characteristics of fair work as defined in this Report**

This Fair Work Wales Survey should be administered on a regular periodic basis. In the first instance a survey to provide a baseline is required.

## **Action to date**

We have considered this recommendation and concluded there are existing mechanisms through which we can obtain feedback from employers, including improving existing surveys as they come up for review. We have also developed a set of fair work measures which allow us to use official statistics to track progress across the fair work characteristics.

## **Status**

Alternative approach identified.

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## **Recommendation 46: we recommend the following in respect of the national indicators and national milestones**

They are:

- the two-thirds of the median UK wage indicator is replaced with one focused on the proportion of workers in Wales paid at or above the Welsh living wage
- the job satisfaction indicator is removed
- Trade union recognition for collective bargaining is included as a national indicator
- the Welsh living wage and collective bargaining indicators are adopted as national milestones. We support the proposal to make gender pay gap monitoring a national milestone and welcome the feasibility work on extending the milestone to disability and ethnicity pay differences

### **Action to date**

We have made all 3 changes to the National Indicators.

### **Status**

Delivered.

## **Recommendation 47: we recommend that fair work data**

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**are collected regularly in the National Survey for Wales, reflecting the Commission's definition of fair work**

In conjunction with R45 this will provide new and periodic survey data covering both worker and employer perspective.

### **Action to date**

See recommendation 44.

### **Status**

Delivered.

## **Recommendation 48: we recommend that key administrative data of this sort are collected systematically by the Office for Fair Work to help monitor progress and to inform annual reporting on Fair Work Wales**

### **Action to date**

In conjunction with social partners, we developed a set of fair work outcome measures which enable us to track progress across the fair work characteristics. We will give consideration to how we publish or report on those measures.

### **Status**

Delivered.

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