

# Housing and Economy Committee

10.00am, Thursday, 18 January 2018

## Update on the Fair Fringe and Fair Hospitality Charter

Item number	7.4
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	<a href="#">46</a>

### Executive Summary

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This report provides an interim update on the amended Council Motion by Councillor Cameron on [24 August 2017](#) calling for a report ahead of the 2018 summer festivals and Fringe on how the ten aims of the Fair Hospitality Charter can best be promoted, and adhered to, by employers hiring Council-owned Festival and Fringe venues for the purposes of running Fringe events and hosting food and beverage venues. The report should also examine conditions which could be attached to Council grant funding to further these aims and to consider the impact of these enhanced conditions on the economic viability of the Fringe and the impact of venue rental and ticket prices.

A key element of the report requires the findings from a survey commissioned by the Edinburgh Festival Fringe Society on the working lives of those involved in the delivery of the Festival Fringe. This survey has recently been completed but the findings are not available at the time of preparing this report.

This interim report provides an update on the scope of the work to be undertaken and a proposed methodology.

## Update on the Fair Fringe and Fair Hospitality Charter

### 1. Recommendations

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- 1.1 It is recommended that Committee:
- 1.1.1 notes the scope of this work and the proposed methodology;
  - 1.1.2 notes that a full report on how the Fair Fringe and Fair Hospitality Charter can be promoted will be presented to Committee in March 2018.

### 2. Background

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- 2.1 The Fair Fringe campaign is an alliance of Fringe employees and Edinburgh-based campaign groups working to improve the pay and conditions of Fringe workers. The campaign is calling upon Festival employers to sign up to Unite's Fair Hospitality Charter.
- 2.2 The Fair Hospitality Charter contains ten practices to be implemented by Festival employers:
- Pay workers the real living wage;
  - Give workers rest breaks;
  - Equal pay for young workers;
  - Minimum hour contracts for workers;
  - Adopt clear policies which prevent sexual harassment;
  - Paid transport after 12am;
  - Consult workers on rota changes;
  - Ensure 100% of tips are paid to workers;
  - No unpaid trial shifts; and
  - Allow Trade Union access to represent and organise staff.

### 3. Main report

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- 3.1 The Fair Fringe campaign has been working to highlight any unfair employment practices that may be in place during the Fringe. It should be noted that the campaign specifically focuses the Fringe, rather than on all the summer Festivals.

However, the Council motion calls for the Fringe and all summer Festivals to be addressed.

- 3.2 There is no suggestion that unfair employment practices are widespread and many of the Fringe employers currently meet or exceed several or all items on the Fair Hospitality Charter.
- 3.3 However, adoption of the items contained within the Charter is not universal and it is understood that elements of unfair employment practice may exist. Should these occur, it is right that they should be addressed to ensure all employees are treated fairly and equally.
- 3.4 In response to concerns, the Edinburgh Festival Fringe Society commissioned research to establish the current working conditions of those employed for the Fringe. A copy of the survey is contained at appendix 1.
- 3.5 The survey was sent out to all venue managers who were asked to distribute it to staff; to venue staff Facebook pages; to general Fringe staff Facebook pages; through the Fringe Society's social media channels; and via a micro news story on edfringe.com, which can be accessed [here](#).
- 3.6 Approximately 500 responses to the survey have been received and they are currently being analysed by the Fringe Society's research agency.
- 3.7 The survey examines the different employment models adopted during the Fringe and the value, or cost, of these to workers. It will provide an accurate portrayal of the models in operation at the Fringe and identify areas which require to be addressed.
- 3.8 The motion from Councillor Cameron to Council called for the Council to consider how the Fair Hospitality Charter could be promoted, and adhered to, by employers hiring Council-owned Festival and Fringe venues for the purposes of running Fringe events and hosting food and beverage venues. The report should also examine conditions which could be attached to Council grant funding to further these aims and to consider the impact of these enhanced conditions on the economic viability of the Fringe and the impact of venue rental and ticket prices.
- 3.9 An audit of all venues inspected by the Council's Public Safety Team as part of the Licensing application process for Fringe/festival venues has been undertaken to identify those which are owned or operated by the Council.
- 3.10 As part of the Council's existing Third Party Cultural Grants process all recipients of Council funding must pay the Living Wage and comply with equalities and fair work practices.
- 3.11 The next stage is to undertake a review of the conditions of let/rental for Council venues, and to consider how the Charter can be promoted and, where possible, included as part of the venue hire agreements. This review will also look at the alignment with the Council's Grant Funding conditions.
- 3.12 Outwith those venues which are operated by the Council and under its direct control, it may be difficult to enforce compliance with the Charter beyond the universal elements covered by Employment Law and the Health and Safety at Work

Act. However, the Council is working with the Edinburgh Festival Fringe Society and Festivals Edinburgh to assess if the Charter can be extended to all the major festivals as a set of guidelines for the employment of staff and how this can be promoted.

- 3.13 In the meantime, an audit of the major Fringe producers will be undertaken in partnership with all involved to assess which elements of the Charter are already in operation, which are being considered for inclusion (particularly in relation to the lease of Council premises and the conditions of grant funding) and the likely impact of any changes.
- 3.14 The results of the Edinburgh Festival Fringe Society research will be available shortly and, together with the venue audit and other on-going work, will be presented to a future Council Committee.

#### **4. Measures of success**

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- 4.1 The success of the campaign will be measured through the inclusion of its aims in the hire agreements for Council venues and in the adoption of the Charter's aims by Fringe and Festivals employers.
- 4.2 The programme contributes to the delivery of the following Culture Plan objectives:
  - Support greater partnership working in the cultural and creative sectors and maximise resources available to help them thrive all year round; and
  - Ensure that everyone has access to world class cultural provision.

#### **5. Financial impact**

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- 5.1 There is no financial impact associated with this report.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 There are no risk, policy, compliance or governance impacts arising from this report.

#### **7. Equalities impact**

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- 7.1 The outcome of this report and the Fair Fringe campaign will ensure that workers are treated equally and without exploitation or discrimination where this exists. The report itself has a positive equalities impact.

## 8. Sustainability impact

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- 8.1 The impacts of this report have been considered in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties, and the outcomes are summarised as follows: the proposals in this report will have no significant impact on carbon emissions; be neutral in relation to climate change; and will help achieve a sustainable Edinburgh through the promotion of the city nationally and internationally, positive economic impact and contributions to the quality of life and well-being of residents.

## 9. Consultation and engagement

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- 9.1 The Council has engaged with the relevant partners and Festivals bodies to deliver and implement relevant findings.

## 10. Background reading/external references

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- 10.1 [City of Edinburgh Council](#) – 24 August 2017  
10.2 [Fair Fringe Campaign](#)

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## 11. Appendices

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Appendix 1 – Edinburgh Festival Fringe Society survey to Fringe workers.



The Edinburgh Festival Fringe is the largest arts festival in the world, and the greatest explosion of culture on the planet. The Fringe Society is the organisation that underpins the infrastructure that supports the festival, with individual venues, companies and promoters operating to their own business models within the festival environment. In response to media coverage of the Fair Fringe Campaign, the Fringe Society is keen to develop a detailed picture of the working lives of the many individuals who make the festival happen; front of house, bar staff, security, venue operational staff, and many more. The survey seeks to build an informed picture of working conditions and pay across the festival to inform the subsequent response and actions of the Fringe Society as a promoter of best practise across the Fringe. We would value your honesty, and there are opportunities to provide detailed feedback if you so wish

We have commissioned Culture Republic to undertake this survey on our behalf to ensure complete anonymity to respondents and offer a professional and qualified analysis of the data captured.

You are eligible to participate in the survey if you have worked in an official Fringe venue in 2017 or 2016. One survey response is permitted per respondent. Your responses to the survey are confidential and only anonymised and aggregate data will be shared with Edinburgh Festival Fringe Society and reported.

The survey will take on average 7 minutes to complete although this will vary depending on your responses.

As a thank-you for your contribution to this data gathering, you can enter a prize draw to win £150 in vouchers of your choice. Full prize details are available at the end of the survey.

If you have any questions about this research please contact [research@culturerepublic.co.uk](mailto:research@culturerepublic.co.uk)

The survey will cover the following areas:

Your role

Your contract

Working hours

Work shifts

Employment rights and discriminatory practice

Your attitudes to your work at the Fringe

Please note that as this survey is confidential we are unable to follow up on any issues identified in this survey form. To report any concerns for follow up please contact [participants@edfringe.com](mailto:participants@edfringe.com)

To help us identify specific issues and patterns we would like to gather information about where you worked and your role. Please remember this survey is confidential and this information will not be used to identify you.

What type of organisation did you work for at the Fringe?

Please select one option

- Venue
- Edinburgh Festival Fringe Society
- Promoter
- Performer/ Company

For which organisation did you work?

Please enter the full venue or organisation name

Please indicate in which years you worked for this organisation?

Please select all that apply

- 2017
- 2016
- 2015
- 2014
- Prior to 2014

I'm sorry - this survey is only for people who worked at the Fringe in 2016 or 2017. You will not be able to proceed with the survey. Please close your browser to exit the survey.

In which role(s) did you work?

Please select all that apply

- Box office
- Front of house/stewarding/ushering
- Flyering
- Marketing
- PR
- Bar/catering
- Administration
- Operations
- Technical
- Performer
- Security
- Other

Other

Which one of these was your main role with the organisation?

Please select one answer

- Box office
- Front of house/stewarding/ushering
- Flyering
- Marketing
- PR
- Bar/catering
- Administration
- Operations
- Technical
- Performer
- Security
- Other

Have you worked at the Fringe with another organisation in previous years?

Please select one answer

- No
- Yes

You have indicated that you have worked at the Fringe for multiple years, which of the following applies to you?

Please select one answer

- I have been promoted to a more senior position
- I have worked in different areas of operation
- I have undertaken a similar role

The survey will now ask a series of questions about your contract of employment and your actual experience working at the Fringe

This section of questions looks at your contract with the Fringe venue/organisation

Did you have a formal contract of employment?

Please select one answer

Yes

No

Please provide further information about how your employment was contracted

How long was your work/contract with the Fringe organisation?

Please select one answer

Duration of Fringe only

Fringe plus 1-2 weeks

2-6 months

More than 6 months

Other

Other

Did you complete your contract?

If you didn't have a contract, did you work the full intended duration at the Fringe?

Yes

No

Please say why you didn't complete the contract

The next set of questions ask about the pay and benefits you received for your work at the Fringe

How were you paid for your work at the Fringe?

Please select one option - please refer to the definitions which we are using for this research

Volunteer (not paid a wage - may have paid benefits such as accommodation & living costs)

Freelance/self employed (paid a wage or fee but not pay rolled or taxed by the organisation)

Employee (contracted and pay rolled)

Other

Other

Did you receive any benefits as part of your work at the Fringe?

Please select one option

- I received benefits (such as accommodation/living costs) with a financial value
- I received other benefits which had no financial value
- I received no benefits

Did you receive these benefits as part of your salary or in addition to your salary?

Please select one option

- Yes - part of salary (this means that your wage was lower with benefits forming part of your rate of pay)
- No - in addition to salary

Please describe the benefits you received as part of your work at the Fringe?

Please identify the type of benefits and any £ value

Which of these describes your work at the Fringe?

Please select one answer

- Hourly wage/fee
- Fixed weekly wage/fee
- Fixed wage/free for the whole Fringe period

What was your contracted hourly wage?

Please enter the exact hourly rate without the £ - eg 7.50

What was your contracted fee?

Fee in £

Basis for this fee: per week/  
month/ activity etc

Did customers tip within your role?

Please select one option

- Yes
- No

How were tips distributed amongst staff?

Please select one option

- Tips fully distributed to appropriate staff
- Don't know
- Other

Please say how tips were distributed

The next set of questions covers the hours you were contracted to work and the hours you actually worked at the Fringe

How many hours were you contracted to work at the Fringe per week?  
Please enter a number of hours per week. If zero hours contract please enter '0'.

If unable to enter the number of hours - please provide information below

On average how many hours did you actually work per week at the Fringe?  
Please enter a number of hours per week

If unable to enter the number of hours - please provide information below

Were you paid for any additional hours you undertook?

Please select one option

- Yes  
 No  
 Not applicable

Please provide further information about unpaid hours

Were you paid for extra hours at your contracted hourly rate?

Please select one option

- Yes  
 No

At what rate were additional hours paid - please make clear if this is higher or lower than your contracted rate

Were any additional tasks/activities not included within your paid shifts?

This includes training, cashing up, banking, travel between sites, cleaning, locking up etc

- Yes  
 No

Please identify any additional tasks/activities not included within your paid shifts

Please make any additional comments about your contracted hours and your experience of working in terms of additional hours and any unpaid time

This set of questions asks about the shifts you worked and how those shifts were planned and managed

How long were your contracted/rostered work shifts?

Please enter the number of hours per shift

How long (on average) were your actual shifts?

Please enter the number of hours per shift. Please enter a value even if the same as the answer to the previous question.

What proportion of worked shifts were longer than contracted/rostered?

Please enter an approximate % figure

Did you have rostered shift breaks?

Please select one answer

- Yes
- No

What shift breaks were rostered?

Length of break

How many hours between breaks

Did you receive your rostered shift breaks?

Please select one option

- Always
- Mostly
- Rarely
- Never

Please provide further information about the shift breaks you received

What notice did you receive of shift rosters?

Please select one option

- Working days/ hours fixed throughout the contract
- Weekly notice
- Several days notice
- 1 day's notice
- Other

Other - please say what notice period was given

Did you have the opportunity to input into shift rosters?

Please select one option

Yes

No

Please provide more information about the management of shift rosters

This set of questions covers your awareness of employment rights and any discriminatory or poor practice you experienced

Were you made aware of your employment rights such as sick pay, working hours or health and safety?

Please select one option

Yes

No

Did you experience any poor work practice or discrimination within your period of work at the Fringe?

Please select one option

Yes

Not personally but first hand experience from colleagues

No

Please provide further information about this. Please remember this survey is confidential and we are unable to respond to anything you tell us about here. To report any issues officially please contact [participants@edfringe.com](mailto:participants@edfringe.com)

This set of questions covers your attitudes to your work at the Fringe

Would you work for this venue/organisation again?

Please select one answer

Yes

No - because of change in personal circumstances/ career options

No

Please provide more information about your reasons

Would you work at the Fringe again

Please select one answer

- Yes
- Yes - but with a different organisation
- No - because of change in personal circumstances/ career options
- No

Please provide more information about your reasons

Overall, how satisfied were you with your experience of working at the Fringe?

Please select one option

- Very satisfied
- Satisfied
- Neither satisfied nor not satisfied
- Dissatisfied
- Very dissatisfied

Please can you say why you were dissatisfied with your experience of working at the Fringe

What were your reasons for working at the Fringe?

Please select all that apply

- Timing fits in around studying
- To earn income over the summer
- To gain general work experience
- To gain work experience within the arts
- To be part of the Edinburgh Fringe experience
- My friends were doing it
- Other

Other

Which one of these was your main reason for working at the Fringe?

Please select one option

- Timing fits in around studying
- To earn income over the summer
- To gain general work experience
- To gain work experience within the arts
- To be part of the Edinburgh Fringe experience
- My friends were doing it
- Other

Please use this space to say anything else (positive or negative) about your experience of working at the Fringe

To help us analyse the answers to the survey it would be great if we could find out a bit more about you

When not working at the Fringe, where do you live?

Please select one answer

- Edinburgh
- Lothians
- other Scotland
- other UK
- International
- Prefer not to answer

What is your complete postcode. We will not use this information to identify or contact you.

Please enter in the following format: EH1 1QS

When not working at the Fringe, which of these apply to your working status?

Please select one answer

- Student
- Unemployed/looking for work
- Retired
- Other

Other

How would you identify yourself?

Please select one answer

- Male
- Female
- Prefer to self describe
- Prefer not to answer

Prefer to self describe

## How old are you?

Please select one answer

- under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to answer

## Nearly finished

If you'd like to make any additional points about your work at the Fringe please use the space below or contact [clair@culturerepublic.co.uk](mailto:clair@culturerepublic.co.uk). To officially report any concerns about your experience of working at the Fringe please contact [participants@edfringe.com](mailto:participants@edfringe.com)

## Prize draw

To enter the prize draw to win £150 in vouchers of your choice please provide your contact details below. We will not use these to identify or contact you.

Name

Email/phone

### Prize draw terms and conditions

- 1 The winner will be drawn at random from all completed entries received by the closing date.
- 2 Only one entry per person is allowed.
- 3 The winner will be notified by within one week of the survey closing
- 4 The prize is £150 (GBP) or equivalent in preferred currency based on market exchange rates in vouchers of your choice
- 5 Events may occur that render the prize draw itself or the awarding of the prize impossible due to reasons beyond the control of the Edinburgh Festival Fringe Society and accordingly may at its absolute discretion, vary or amend the promotion and the entrant agrees that no liability shall attach to the Edinburgh Festival Fringe Society as a result thereof.

Please select the tick button to send us your answers to this survey.  
Thank-you for taking part.