

10.00am, Thursday, 31 May 2018

Fair Fringe and Fair Hospitality Charter Guidelines

Item number	8.2
Report number	
Executive/routine	
Wards	All
Council Commitments	46

Executive Summary

This report sets out a response to 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.

In response to this, Officers have developed an Edinburgh Festivals Workers' Welfare Commitment.

This report asks Council to approve the Edinburgh Festivals Workers' Welfare Commitment.

Fair Fringe and Fair Hospitality Charter Guidelines

1. Recommendations

- 1.1 It is recommended that Council:
- 1.1.1 approve the Edinburgh Festivals Workers' Welfare Commitment.

2. Background

- 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.
- 2.3 Two reports to the Housing and Economy Committee on [18 January 2018](#) and [22 March 2018](#) highlighted the work undertaken in identifying the impact on the Council of adopting the Fair Hospitality Charter. The report on 22 March 2018 requested further time to assess the impact of implementing the Charter on the Council as it would affect many different service areas.
- 2.4 Given the wide scope of the Council services impacted by the introduction of this Commitment, it was recommended that a report be prepared for the Council meeting of 31 May 2018.

3. Main report

- 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 on the Fringe, rather than all the summer Festivals. However, the Council motion calls for the Fringe and all summer Festivals to be addressed.
- 3.2 The Council's terms of employment and UK employment law already address a number of the points contained within the Fair Hospitality Charter; indeed, many of the Council's policies extend further than those in the Charter. However, there are areas where clarification of the Council's policy would be helpful in demonstrating its commitment to the welfare of workers and the expectations that the Council has on those using its venues or operating during the Festivals.
- 3.3 Further, the Council has a leadership role within the City and should demonstrate good practice so that its own standards can be applied to others.
- 3.4 In response to this, officers from across the Council have developed an Edinburgh Festivals Workers' Welfare Commitment, which is attached at Appendix 1.
- 3.5 A workshop with representatives from the Festivals, Trades Unions and Council officers was held to discuss the Commitment and to produce the final seven commitments.
- 3.6 These are:
 - 3.6.1 Payment of the Scottish local government living wage;
 - 3.6.2 Protection of rest breaks;
 - 3.6.3 No uncertainty of contracted hours;
 - 3.6.4 Prevention of harassment and discrimination;
 - 3.6.5 Safety for journeys to and from work;
 - 3.6.6 Worker welfare and no unpaid trial shifts; and
 - 3.6.7 Clarification on worker tips.
- 3.7 A number of references to the 'living wage' are made within the Fair Hospitality Charter and the Council's Commitment. For clarity, there are a number of different levels of 'living wage'; the Council pays the Scottish Local Government Living Wage of £8.51 per hour, not to be confused with the UK Government National Living Wage of £7.83 per hour. This rate varies depending on the age of the worker.
- 3.8 A table demonstrating the alignment of each Commitment to the Fair Hospitality Charter is included below:

Unite '10 Fair Hospitality Charter Practices'	'Edinburgh Festivals Workers' Welfare Commitment'
1. Pay workers the real living wage	See 'Commitment 1'
2. Give workers rest breaks	See 'Commitment 2'
3. Equal pay for young workers	See 'Commitment 1'
4. Minimum hour contracts for workers	See 'Commitment 3'
5. Adopt clear policies which prevent sexual harassment	See 'Commitment 4'
6. Paid transport after 12am	See 'Commitment 5' on safe journeys to and from work.
7. Consult workers on rota changes	See 'Commitment 3'
8. Ensure 100% of tips are paid to workers	See 'Commitment 7'
9. No unpaid trial shifts	See 'Commitment 6'
10. Allow TU access to represent and organise staff	See introduction 'Our commitment' and 'Commitment 4'

- 3.9 While the Council meets all elements of the Commitment through its existing practices, some organisations may not be able to immediately meet all the points contained within the Edinburgh Festivals Workers' Welfare Commitment. In this case, the Commitments should be viewed as aspirational and a target to be reached, establishing a minimum standard for workers within the city's Festivals and what the Council expects for Festival workers, helping others to identify areas for improvement.

4. Measures of success

- 4.1 The success of the Commitment will be measured by its adoption and promotion.
- 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

- 5.1 There is no direct financial impact associated with this report. The Commitments contained within the report are already in place or are existing policy.

6. Risk, policy, compliance and governance impact

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

7. Equalities impact

- 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

- 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

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

10. Background reading/external references

- 10.1 [City of Edinburgh Council](#) – 24 August 2017
- 10.2 [Housing and Economy Committee](#) – 18 January 2018
- 10.3 [Housing and Economy Committee](#) – 22 March 2018
- 10.4 [Fair Fringe Campaign](#)

Paul Lawrence

Executive Director of Place

Contact: David Waddell, Senior Events Officer

E-mail: david.waddell@edinburgh.gov.uk | Tel: 0131 529 4929

11. Appendices

11.1 Appendix 1 - Edinburgh Festivals Workers' Welfare Commitment

Edinburgh Festivals

Workers' Welfare Commitment

The City of Edinburgh Council

June 2018

Edinburgh Festivals Workers' Welfare Commitment

Our commitment

Our Commitment sets out what we as a Council expect for Festival workers and where we would like others to follow.

The Council has a clear vision for Festival workers in Edinburgh and we want to make sure that fair work practices are adopted and complied with.

We have a reputation as the world's leading festival city, it is a dynamic city which makes a vital contribution to the community and economy of Scotland and we want to set high standards for those Festival workers who support the city.

We, as a Council, promote high standards of performance, accountability, and a culture based on strong values. We ask others to do the same.

The objective of this Commitment is to promote a responsible and credible Festival worker environment for Edinburgh, while encouraging all festival organisations to work in partnership with trade union colleagues.

The Leader, Depute Leader, Councillors, Senior Management and all Staff commit to the provision of effective and sound governance at all levels and we call upon those engaging our Festival workers in Edinburgh to follow the worker commitments.

Andrew Kerr, Chief Executive
June 2018

Commitment 1

The Scottish local government living wage

The Council is committed to and pays its own employees no less than the Scottish Local Government Living Wage, a wage which is currently £8.51 per hour.

The Council expects those engaging festival workers to adopt pay policies which comply with fair work practices.

The Council expects engaging organisations to align to the same commitment where possible to ensure fair pay, to no less than the UK Government national living wage level for those aged 25+, irrespective of age (currently £7.83, per hour).

Fair pay is a positive factor and one of the clearest ways in which engaging organisations can demonstrate that they adopt fair work policies.

Engaging organisations can also demonstrate this through a variety of policies including, recruitment, remuneration, terms of engagement, skills utilisation, job support and worker representation.

Commitment 2

Rest breaks

The Council is committed to ensuring that all of our employees have appropriate rest.

The Council expects those engaging festival workers to adopt the following standards:-

For workers over the age of 18:

- when festival workers are working for more than 6 hours, 20 minutes rest;
- rest of 11 consecutive hours in each 24-hour period;
- uninterrupted rest of not less than 24 hours in each 7-day period.

For workers over age 16 but under 18:

- when festival workers are working for more than 4.5 hours, 30 minutes rest;
- rest of 12 consecutive hours in each 24-hour period;
- uninterrupted rest of not less than 48 hours in each 7-day period.

Engaging organisations should demonstrate their commitment to protecting and regulating workers' hours of work, rest breaks and holiday entitlements, the aim of which is to protect the health and safety of festival workers.

Commitment 3

No uncertainty of contracted hours

The Council sometimes engages individuals who are on a contract which does not guarantee a minimum number of hours work, however, there is no obligation on the individual to accept work that is offered.

While the Council is unlikely to be able to eliminate such arrangements entirely, we would encourage festival engaging organisations to provide a minimum of 24 hours' notice where work needs to be undertaken. This notice is reciprocal in that workers are also asked to provide 24 hours' notice if they are unable or unwilling to work.

Council contracts of this nature are typically used to provide short term supply staffing cover, such as theatre staff, to provide staff where hours cannot be guaranteed. The individual is free to work for different organisations and there is no obligation for them to accept work, if offered. These contracts do not include any obligations/restrictions around working for other employers. The Council ensure such individuals receive an employment contract for the relevant period of work and associated benefits such as service related annual leave, special leave and sickness allowance - such arrangements ensure that relevant employment benefits are conferred as rightly appropriate.

Engaging organisations should demonstrate their commitment to certainty for festival workers by agreeing to no less than those arrangements which the Council keep.

Commitment 4

Prevent harassment and discrimination

The Council is committed to protecting its staff from all forms of harassment and discrimination, including sexual harassment and discriminatory behaviour, whether it originates in the workplace or from the Council's clients, service partners or customers.

The Council will not tolerate or condone such behaviours and it is a breach of our open commitment to encourage and maintain an anti-discriminatory culture. The Council is committed to eliminating harassment or discriminatory behaviour on any of the following grounds:

- sex;
- sexual orientation;
- age;
- disability;
- gender reassignment;
- marriage or civil partnership;
- pregnancy and maternity;
- race; and
- religion or belief;
- Trade Union membership.

The Council expects festival engaging organisations to align to the same attitudes and behaviours, including a positive demonstration of this through policies which protect their workers.

Festival workers should have access to mechanisms to deal with any grievance concerning harassment or discrimination that they may have.

Commitment 5

Safety for journeys to and from work

Tackling violence, harassment and safeguarding the safety of Council and festival workers is critical.

We would encourage all Council and Festival workers who are travelling late:-

- to wait for a bus, tram or train in a well-lit place near other people;
- if threatened make as much noise as possible to attract the attention of the driver;
- know where you are going and when you need to get off and check departure times, especially last services;
- if travelling at night try to arrange for someone to meet you at your end destination;
- carry extra money in case you get stranded and need different transport;
- have your money ready so your purse or wallet is out of sight.

We also encourage employers to take into consideration, start and finish times, which take account of public transport available.

Commitment 6

Worker welfare & no unpaid trial shifts

The Council is committed to protecting its staff from unpaid trial shifts.

The Council will not tolerate such behaviours and expects festival engaging organisations to also protect their staff from unpaid trial shifts.

Organisations engaging workers should follow best practice recruitment and assessment guidance, which do not include unpaid trial shifts.

Commitment 7

Worker Tips

The Council does not encourage or promote tipping within its venues. Where tips are given, the Council encourages Festival organisers to ensure that tips are distributed fairly and equally between all staff who have contributed to the provision of the service, including those who are 'back of house'.

Tips should not be used to replace or top up wages and will not count as wages for the purposes of paying the minimum government living wage.

For guidance, a [Code of Best Practice on Tips](#) has been produced by the Department for Business Innovation and Skills.

Council Leader, Councillor Adam McVey

Council Depute Leader, Councillor Cammy Day

Chief Executive, Andrew Kerr

Director of Culture, Lynne Halfpenny