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Devolution and Industrial Relations: An Overview

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ABSTRACT

This article presents an overview of how industrial relations have been shaped by constitutional devolution across the United Kingdom. It shows that the devolved national governments in Scotland, Wales and Northern Ireland and English regional authorities led by Metro Mayors, have developed distinctive industrial relations policies that have led to variation in labour market regulation. These policies have typically been developed under the rubric of ‘fair work’ and have been pursued through a variety of methods. The latter include acting as a ‘good employer’, legislation, public procurement, and soft forms of regulation such as good employment charters which have been widely adopted by devolved authorities. The article concludes by reviewing the debate over devolution within industrial relations and notes how political change might foster further experimentation in the future.

1 | Introduction

The creation of devolved national governments in Scotland, Wales, and Northern Ireland and of regional authorities in parts of England is the most significant change in the structure of the UK state in recent decades. It is also a process that seems likely to continue. The Labour Government, elected in 2024, has established a Council of the Nations and Regions to better integrate the activities of devolved authorities with those of the UK Government, and introduced the English Devolution and Community Empowerment Bill to extend English regional devolution to other parts of the country (Newman and Kenny 2023). In addition, there is a widespread belief amongst opinion-formers that the UK state is characterized by over-centralization and that further devolution is necessary to overcome enduring failures of policy and governance (Bell 2024; Freedman 2024). This view is echoed within the devolved nations and regions themselves, where there is a strong lobby for further change (Burnham and Rotherham 2024).

The purpose of this Special Issue is to consider the implications of this ongoing process of devolution for industrial relations. The issue of work and employment does not feature prominently in current

debate about devolution, with the partial exception of vocational education (Burnham and Rotherham 2024). As the articles below demonstrate, however, devolved national governments and regional mayors in England have been active in developing policy for the labour market, and have used a broad range of instruments to try and shape industrial relations within their areas of jurisdiction. The effect has been to generate a degree of legal and policy divergence across the nations and regions of the UK that was not apparent before constitutional devolution was set in motion (Samuel and Bacon 2015). The precise character, significance, and desirability of these developments are matters for inquiry and debate, but too often in the literature on British industrial relations they are simply not acknowledged (Dundon et al. 2020: Ch.3). The collection that follows seeks to correct the field’s devolution-blindness and bring the specific industrial relations of the UK’s nations and regions more clearly into the light.

1.1 | Devolution

Devolution occurs when the central government of a sovereign state delegates some of its powers to a lower level of government, thereby granting the latter greater autonomy. It is

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important to note, however, that under systems of devolution sovereignty remains vested in the central state, which in principle can reverse the delegation of powers at some point in the future. Devolved systems of government differ fundamentally from federal structures, therefore, where sovereignty is distributed, and central structures typically are built from below. It is for this reason that nationalists representing minority populations within large states may oppose devolution or regard it as, at best, a temporary staging post: their objective is to secure their own, sovereign, independent government and not merely possess delegated powers, however broad the latter might be (Jackson 2020).

The devolution of central powers to the nations and regions of the UK began under the New Labour Government elected in 1997. Following referendums, elected assemblies were established in Scotland and Wales, the Scottish Parliament and the National Assembly for Wales (now Senedd Cymru), and devolved Scottish and Welsh governments were formed, headed in each case by a First Minister. The Northern Ireland Assembly was also created, as part of the measures implementing the Belfast Agreement, together with an Executive which must be drawn from both nationalist and unionist communities, a form of 'mandatory coalition' (Sargeant and Fright 2024; see also Cullinane this issue). The only English measures implemented by New Labour, were the creation of the directly elected Mayor of London and the Greater London Authority in 2000. Plans were formulated for the creation of other regional assemblies in England but were shelved following the rejection of the proposed North-East England Assembly by a referendum in 2004.

English regional devolution was revived under the Conservative-Liberal coalition government a decade later. In 2014 the government began negotiating bespoke devolution deals with groups of local councils who formed new combined authorities, which in most cases are led by a directly elected Metro Mayor. Currently there are fourteen areas with mayoral devolution in England, including Greater London and several of England's other main city-regions such as Greater Manchester, Liverpool City Region, West Midlands, West Yorkshire, South Yorkshire, and Tees Valley (Henderson et al. 2024). It is the declared aim of the Labour Government to complete the 'devolution map' and ensure that all parts of the country are governed by a devolved strategic authority (Newman and Kenny 2023).

The powers delegated to devolved authorities vary considerably. National governments, with their devolved parliaments, have substantially more powers than English combined authorities but there are also differences within these categories. If one compares Scotland and Wales then both governments have the power to legislate in the areas of health and social care, housing, education, local transport, economic development, language and culture, local government, and the environment. Both also possess tax-raising powers. Scotland alone, however, has devolved authority for policing and justice and some devolved authority for social security and its tax-raising powers are more substantial. Equivalent differences can be seen amongst the English Regions. Those of the latter with directly elected Metro Mayors have greater powers than those that do not, and devolution is at its fullest in Greater Manchester and the West Midlands, both of which negotiated Trailblazer devolution deals with the Conservative Government in 2023. These deals

endow them with additional powers over transport, skills, housing, and energy conservation and enhanced their ability to allocate funding flexibly across budget headings (Henderson et al. 2024).

As the latter example indicates, devolution has strengthened over time with greater powers delegated over a broader range of issues. Amongst the devolved nations this trend has been most apparent in Wales, where the initial, modest devolution settlement has been strengthened, following a second referendum in 2011 and subsequent Acts of Parliament. Since 2017, Wales has enjoyed the same kind of 'reserved powers' model of devolution seen in Scotland and Northern Ireland, in which there is a broad remit to legislate other than on matters that are reserved to the UK government (Shuttleworth 2021). The matters that are reserved differ somewhat between the three devolved parliaments. A crucial difference concerns employment law and equal opportunities. For Scotland and Wales these matters are reserved at the UK level, while this is not the case in Northern Ireland, where both employment law and equal opportunities are devolved, albeit with exceptions such as the National Minimum Wage (Cullinane this issue). The Scottish Parliament and Welsh Senedd have some powers to legislate on employment matters—they have the power to set minimum wages in agriculture as does the Northern Ireland Assembly—and they have used their capacity to legislate in other areas—for example on public sector procurement—to try and shape employment practice (Barnard 2017; Gooberman and Hauptmeier 2024). Nevertheless, there are hard limits to the ability of Scotland and Wales to adopt employment law, and it is important to recognize that devolved authorities in the UK, excepting the Northern Ireland Assembly, do not have the power to pass industrial relations legislation. The powers of their equivalents in other countries to adopt local labour laws, such as the living wage ordinances introduced by many cities in the USA, are not found in Great Britain (Luce 2004).

Excepting Northern Ireland with its unique power-sharing arrangements, devolved authorities have tended to be controlled by parties of the centre-left. Since its inception the Welsh Government has been dominated by the Labour Party, sometimes with the support of the Liberal Democrats and Plaid Cymru, and the Scottish Government has been controlled first by Labour and then by the Scottish National Party. Currently ten Metro Mayors in English regional authorities are drawn from the Labour Party, while two (Tees Valley and Cambridgeshire and Peterborough) are Conservatives and two more (Greater Lincolnshire and Hull and East Yorkshire) are representatives of Reform UK (Allen 2024). The industrial relations policies described in the articles that follow bear the stamp of the political left (Samuel and Bacon 2015). They are broadly social democratic in orientation, seeking to regulate the employment relationship, redistribute income and other resources to working people, and are often pro-union, employing the language of social partnership. To a large degree, devolved authorities have developed policies that offer an alternative to the broadly neoliberal approach to the labour market espoused by the Coalition and Conservative Governments in office between 2010 and 2024 (Gooberman and Hauptmeier 2024). With a Labour Government now in power at Westminster it remains to be seen whether this impulse to develop distinctive policies in the devolved nations and regions will continue.

1.2 | Economic Development

Devolution is a constitutional solution to a political problem: the growth of nationalist sentiment initially in the smaller countries of the UK and more latterly in England and the corresponding weakening of British identity and support for the UK state. It is a means of accommodating these pressures while preserving the union. In recent years, however, this political purpose has been overlain by an economic rationale, which has been particularly to the fore in the development of English regional devolution. The initial combined authorities established by George Osborne, Chancellor in the Coalition Government, formed part of this Northern Powerhouse initiative and were meant to promote growth in the north of England by encouraging partnership-working between business and civic leaders. This drive was reinforced after the 2019 General Election when the Johnson Government extended the programme as part of its policy of 'levelling up'; that is encouraging growth in poorer English regions and left-behind communities (Newman and Kenny 2023). This instrumental justification for English devolution has continued to the present day. The influential Institute for Government has formulated plans for deepening and extending devolution to the English regions and has declared that this change will be 'crucial...to delivering sustained growth that benefits people in all parts of the country' (Paun et al. 2024: 6).

While devolution is increasingly justified in terms of claimed growth-enhancing properties, the development of policies on work and employment by devolved authorities has flown from their espousal of specific models of growth. In the devolved nations and the English regions attempts to shape the labour market have emerged from policies to promote 'inclusive growth' and 'community wealth-building', and to focus policy attention on the 'foundational' or 'everyday' economy. These approaches are founded on a belief that conventional approaches to economic development have reinforced inequality and excluded many from tangible benefits. They also rest on the conviction that raising labour standards and improving the quality of working life should be integral to economic development.

Over the past decade, the concept of inclusive growth has provided 'a new mantra for urban and regional policy' (Lee 2018: 424). It has been embraced by international agencies, such as the United Nations, OECD and World Bank, which have identified city and regional governments as a key vector for implementing inclusive growth (Boarini et al. 2015; UNDP 2017). In the UK, a range of think-tanks, policy commissions, and research units have also espoused the cause of inclusive growth and formulated advice for policy makers (Beatty et al. 2016; Shafique et al. 2019). The result has been the insertion of inclusive growth policies in the economic development programmes of the Scottish and Welsh Governments and the Northern Ireland Executive and the strategic plans of combined authorities in England (Fraser of Allandar Institute 2020; Lupton et al. 2019). The central feature of these policies is an attempt to embed actions to reduce poverty and inequality within economic planning, rather than waiting for the benefits of the latter to 'trickle down'. These attempts stem from recognition that inequality has risen within many

countries and is seen at its starkest in large cities. A feature of this inequality has been the growth of low-paid and poor-quality employment, and an integral component of inclusive growth policies is the promotion of better-remunerated and better-quality employment, often labelled 'fair work'. The latter might be secured by promoting trade unionism, to ensure that workers have a voice and are able to obtain an equitable share from growth (McCurdy et al. 2023). Fair work can also be advanced through promoting substantive labour standards and a feature of many inclusive growth initiatives in the UK has been the voluntary living wage, with national and regional authorities encouraging adoption of the living wage by local employers (Heery et al. 2020). Another frequent component are efforts to promote equality at work, to overcome the relative exclusion of women and minorities from specific types of work and better-paid jobs (Fraser of Allandar Institute 2020).

Community wealth building is a similar but more radical approach to economic development. Originating in the city of Cleveland in the USA, it is best known in Britain through the Preston Model developed by Preston City Council in Lancashire but has influenced policy more broadly across the devolved nations and regions (Guinan and O'Neill 2020). The central feature of community wealth building is a pronounced localism and a desire to establish greater local control over economic and environmental decision making. To this end, it is associated with 'remunicipalization' and the return of assets to public control, with promotion of alternative forms of ownership, such as mutuals and cooperatives, and with the cultivation of local skills and supply-chains. Perhaps the most widely adopted element of community wealth building has been reliance on 'anchor institutions' (CLES 2024). These are large public services and other organizations that can use their purchasing, grant-making, and influencing powers to support local suppliers and promote good employment practice. As with inclusive growth, a central objective of community wealth building is encouraging better-quality employment.

The third development concept, that of the 'foundational' or 'everyday' economy is most strongly associated with the Welsh Government but, again, has influenced thinking across the devolved nations and regions. The foundational economy comprises essential services that include utilities, such as water, gas, electricity, and retail banking, 'providential services', such as education, health and social care, and services that provide 'lifestyle and comfort support systems', such as hairdressing and hospitality (Foundational Economy Collective 2018). All these services contribute to community wellbeing but have often been neglected by policy makers whose focus has tended to be on science-based industries and professional services. Foundational services, it is argued, are often poorly matched to community needs, of low quality, and delivered by low-wage workers in poor quality jobs. These weaknesses were particularly exposed during the COVID pandemic (Wahlund and Hansen 2022). Advocates of a policy shift towards foundational services have typically put attempts to improve employment conditions at the centre of their proposals and this has found an echo within the devolved nations and regions which have taken steps to raise pay and labour standards in foundational sectors such as hospitality and social care (Findlay, McQuarrie, et al. 2024). A lever that advocates of a policy focus on the

foundational economy believe can be used to raise employment and other standards is ‘social licensing’ (Foundational Economy Collective 2018). This term, taken from development economics, refers to requirements to invest in social infrastructure that are tied to licences granted to oil companies and other investors in extractive industries in emerging economies. In the context of the devolved nations and regions, it can mean linking public contracts, grants, investment, tax-breaks, and access to infrastructure for private businesses to adherence to labour standards. Seeking reciprocal commitments of this kind contrasts markedly with the orthodox approach to attracting inward investment, which has emphasized the use of condition-free incentives, including provision of a lightly regulated, flexible labour market.

The policy of ‘levelling up’, which led to the strengthening of English devolution, was a central plank of the Johnson Government’s attempt to reset British politics after Brexit. The centre-left politicians who have subsequently been elected to run English combined authorities were opposed to Brexit, as were the Governments of Scotland and Wales and a majority of the population of Northern Ireland. Despite this opposition, there is arguably an elective affinity between Brexit and the economic development policies adopted by devolved authorities that includes their attempts to promote ‘fair work’. These policies have a strong localist bent, seek to generate and retain value within regional economies, and aim to limit the influence of global forces over economic development. They have a neo-mercantilist character, perhaps seen most clearly in the attempt to use anchor institutions to cultivate local skills and supply chains and leverage work quality. Policies of this kind chime, in a distinctively centre-left manner, with the more isolated and protectionist economy that Brexit has helped to create.

1.3 | Fair Work

Most devolved authorities have adopted formal policies to promote fair work. The most ambitious of these policies are found in Scotland and Wales, where the devolved governments have made use of independent bodies—the Scottish Fair Work Convention and the Fair Work Commission in Wales—to offer a definition of fair work, make an empirical case for policy intervention, consult with stakeholders, and formulate recommendations. The Fair Work Commission submitted its proposals to the Welsh Government in 2019, all of which were accepted, but Scotland’s tripartite Fair Work Convention has been retained as a standing body and continues to review and formulate proposals for extending the Scottish Government’s fair work programme (Fair Work Commission 2019; Findlay, Stewart, et al. 2024). Initiatives to promote fair work have been slower to emerge in Northern Ireland, but in 2024 the Executive launched a public consultation on a comprehensive ‘Good Jobs’ Employment Rights Bill (Department for the Economy 2024). In addition, the Executive has recently adopted the living wage and encouraged other public bodies to do so, and the Labour Relations Agency has commissioned research on the business case for promoting good quality work, akin to developments in Wales and Scotland (Erickson et al. 2024). One of the main recommendations is that the Executive should consider adopting a ‘good employment charter’ for Northern Ireland.

Charters of this kind have been the centrepiece of policies to promote fair work in the English regions (Dickinson 2022; Hughes et al. 2024). The Greater London Authority adopted a Good Work Standard in 2019, the Greater Manchester Combined Authority launched a Good Employment Charter the same year, and Liverpool City Region issued its Fair Employment Charter in 2021. Other combined authorities have followed suit. These charters provide an insight into the objectives and substantive content of fair work policies. Liverpool City Region’s charter, for example, commits employers to take action: (1) to promote employee wellbeing, with a specific emphasis on mental health; (2) to eliminate patterns of working time that create insecurity; (3) to pay the real living wage; (4) to ensure equality, diversity and inclusion, with a stress on extending training and development policies to all groups within the workforce; (5) offering apprenticeships and work experience to those living nearby; and (6) ensuring employee representation and voice, ideally through trade union recognition (Liverpool City Region 2021). Very similar lists of priorities can be found in the charters of other devolved authorities, arising from attempts to learn from pioneers and follow best practice (Dickinson 2022). In all cases, moreover, action on the issues identified in charters is believed to be beneficial to adopting employers, as well as employees, fostering improvements in industrial relations and higher engagement and productivity. Charters have been pitched to employers using a ‘business case’ (Hughes et al. 2024).

In Scotland and Wales general attempts to promote fair work have been supplemented by industry-specific initiatives, often directed at foundational industries. The Welsh Government has established a Social Care Forum, a stakeholder body charged with improving employment conditions, has budgeted for payment of the living wage to the adult social care workforce, and established what is effectively a wages council for Welsh agriculture (Gooberman and Hauptmeier this issue). The Scottish Government has also subsidized payment of the living wage in adult and early years care and has launched initiatives to promote fair work in construction, hospitality, and social care (Fair Work Convention 2019, 2022; Findlay, McQuarrie, et al. 2024). Several of the issues listed above, such as raising pay, reducing insecurity, promoting inclusion, facilitating voice, and investing in workforce development, reappear within these industry-specific initiatives.

While fair work policies have been widely adopted across the devolved nations and regions they are not found everywhere. As has been pointed out, despite its power to legislate on employment matters, Northern Ireland has been something of a laggard, while amongst the English regions strategic authorities controlled by the political right have remained aloof from the enthusiasm for fair work. The Conservative-controlled Tees Valley Combined Authority, for example, has adopted policies for the labour market which emphasize developing skills and helping young people and the unemployed find work and seek to meet the changing skill needs of local employers. There is no acknowledgement, however, that the workplace can be a site of injustice or an acceptance that the authority should seek to intervene in the relationship between employer and employee and foster change. In orthodox fashion, the focus of policy is single-mindedly on the supply side.

2 | Methods

Within the constraints imposed by the various types of devolution settlement, devolved authorities have been creative and have used a variety of levers to promote fair work. Indeed, the Scottish Government has recently commissioned an attempt to identify additional methods that it might use, which has suggested using ‘fair work champions’, developing fair work communities of practice, funding an evidence hub to evaluate fair work initiatives, and developing industry-specific fair work charters (Findlay, Stewart, et al. 2024). Some of the methods being used to spread fair work conform to long-established public sector practice. Thus, devolved authorities have sought to be ‘good employers’, ensuring labour standards are applied to their own workforces. In other respects, however, there has been innovation, perhaps most notably in the extensive use of charters and other forms of soft regulation that seek to obtain voluntary support for fair work from employers. The range of methods deployed has been greatest in the devolved nations, where devolved powers are wider, but the general profile is one of multiple initiatives being adopted to promote fair work. It is widely believed that states are becoming more active in governing their economies, and this trend can be seen, in microcosm, in the attempts of devolved authorities to reform industrial relations.

Perhaps the clearest example of devolved authorities embracing a ‘good employer’ commitment is apparent in their adoption of the voluntary living wage. The Scottish and Welsh Governments and Northern Ireland Executive are accredited Living Wage Employers, as are most devolved English regional authorities. In addition to ensuring that the living wage is paid to their own workforce, devolved authorities have ensured that other branches of public service that they fund, control, or influence have also adopted the standard. In the devolved nations many executive agencies have become accredited Living Wage Employers, and the same pattern can be seen in the English regions (Heery et al. 2020). In London, the GLA is an accredited Living Wage Employer and so are Transport for London, the London Legacy Development Corporation, and other functional bodies for which the GLA has oversight. In this regard, devolved authorities have acted as anchor institutions.

Another traditional method that has been used to promote fair work is legislation. Notwithstanding the constraints of the devolution settlement, the governments of Scotland and Wales have been active legislators on fair work, while Northern Ireland may follow suit in the near future. The Welsh Senedd passed The Social Partnership and Public Procurement (Wales) Act in 2023, which establishes a national Social Partnership Council chaired by the First Minister, imposes duties to consult with trade unions on public bodies, strengthens protections for workers whose jobs are outsourced, and introduces new duties for socially responsible public procurement, particularly for large infrastructure projects (Gooberman and Hauptmeier this issue). The Scottish Government has also legislated on public procurement (Barnard 2017) and through its Fair Work First initiative further strengthened provisions in 2021, requiring those receiving public grants and contracts to pay the real living wage and for grant recipients to also have ‘appropriate channels for effective workers’ voice’. Other fair work policies, such as

family friendly practices and a strategy to close the gender pay gap, are not yet mandatory but those making procurement and investment decisions are required to take them into account (Scottish Government 2023). In addition to creating new law, the devolved governments have also either refused to implement elements of UK employment law or have maintained provisions that have been abolished in England. Thus, the Welsh Government refused to implement the Trade Union Act 2016, while the Northern Ireland Assembly failed to introduce equivalent legislation, conforming to a long tradition of moderating antiunion legislation (Cullinane this issue). Scotland and Northern Ireland have maintained their tripartite bodies for setting agricultural wages and all three devolved countries have continued to operate their distinctive versions of the Union Learning Fund following its winding up in England in 2021.

As the latter example indicates, a third way in which devolved authorities have tried to promote fair work is by conferring legitimacy upon and lending support to trade unions. Often, initiatives of this kind have been pursued under the rubric of social partnership. Examples of measures that have been introduced include: (1) conferring rights on unions and employers organizations to be consulted on economic and other policies through the Welsh Social Partnership Act; (2) promoting partnership agreements in branches of public service, such as the NHS (Samuel and Bacon 2015); (3) setting up industry level tripartite forums with a brief to promote fair work, such as the Welsh Social Care and Retail Forums (Gooberman and Hauptmeier this issue); (4) involving union and employer representatives in the handling of national crises, most notably during the COVID pandemic; and (5) seeking to resolve public service disputes through constructive negotiation rather than confrontation (Simms this issue). It is important to note that these attempts to support collective industrial relations have encompassed the English regions. The Greater Manchester Good Employment Charter, for instance, not only includes requirements for signatory employers under the heading of ‘engagement and voice’ but was developed through consultation with trade unions and employer representatives (Johnson and Herman 2024).

A fourth method that devolved authorities have used to promote fair work is public procurement: using the purchasing power of the state to encourage or require private employers to adhere to good labour standards. Procurement is another traditional method, but one that has experienced a revival in public policy in recent years. Devolved authorities have been at the forefront of this development and there are several noteworthy features of their use of procurement. First, while there has been a stress on attaching fair work conditions to contracts for goods and services, such conditions have also been attached to the award of government grants, most notably within the Scottish Government’s Fair Work First initiative. The recent attempt to identify additional policy levers for fair work in Scotland has suggested that this principle might be extended to the Small Business Bonus Scheme, which lacks conditionality at present (Findlay, Stewart, et al. 2024). Second, there has been an attempt to make conditionality more robust, also seen in Fair Work First, allowing those awarding contracts and grants to mandate payment of the living wage. The ability to rewrite procurement regulations in this way has been enabled by Brexit

(Cunningham et al. 2023). Third, both Scottish and Welsh Governments have smoothed the path for employer compliance with conditions in the key sector of social care by funding payment of the living wage to care workers through grants made to commissioning local authorities. The first task of the tripartite Social Care Forum in Wales was to develop a scheme of this kind (Goberman and Hauptmeier this issue). Finally, while English regional authorities do not have the power to write their own procurement regulations, they have also been active in using procurement to promote fair work. Since 2019 the award of social care contracts in Greater Manchester has taken into account payment of the living wage, hiring local workers, and providing training and development, and the same conditions have more recently been applied to waste disposal and construction contracts (Johnson and Herman 2024).

A way in which businesses can demonstrate they meet the conditions for the award of grants or contracts is by signing up to a fair work charter. Charters are the main example of soft regulation that has been used by devolved authorities to promote fair work. They exist, have existed, and may exist in the future in the devolved nations. The Welsh Government adopted a Code of Practice on Ethical Management in Supply Chains in 2019, the Scottish Government withdrew the Scottish Business Pledge, together with a number of other fair work initiatives as a cost-cutting measure in 2024, while, as we have seen, the Northern Ireland Executive has been urged to consider introducing a good employment charter. It is in the devolved English regions, however, that charters have been most actively developed. The defining feature of these charters is that they seek to elicit the voluntary commitment of employers to fair work standards through a system of accreditation. The latter often recognizes different levels of employer support (Dickinson 2022). The Liverpool City Region Fair Employment Charter, for example, has two levels of employer membership: 'aspiring' and 'accredited'. With regard to the issue of flexible and precarious work, aspiring employers will audit practices to identify any atypical contracts and consider whether they are needed, while accredited employers will adopt the ACAS code of practice on handling flexible working requests, minimize use of unstable or temporary contracts, define notice periods for shifts, and reference flexible working in job advertisements (Liverpool City Region 2021). In Liverpool and other city-regions the charter is supported through advisory and consultancy services that can help employers make necessary changes and guide them through the process of accreditation. For the GLA's Good Work Standard, for instance, there is written guidance for employers, with separate guidance for micro-businesses, a foundational on-line assessment, on-line toolkits, advice on working with unions, and a seminar programme. Elements of this support are provided through partner organizations, including the TUC, the Living Wage Foundation, and Coram Family and Childcare.

Fair work charters are closely identified with Metro Mayors, such as Andy Burnham, Steve Rotherham, and Sadiq Kahn. Typically, they are promoted as part of a 'movement' to spread fair work, a central element of which is an appeal to the civic patriotism of local business leaders (Johnson and Herman 2024). Campaigning in this way, which draws upon the convening and influencing powers of Metro Mayors, is a final method that has been used by devolved authorities. Another

notable example is city-region living wage campaigns. The latter form part of the Living Wage Foundation's Living Wage Places programme, in which groups of business and community leaders come together and formulate a plan for spreading the living wage in a particular zone, town, city, or region. Currently, there are city-region living wage campaigns in Greater Manchester and Greater London and others are in development (Hann and Nash this issue). Among the features of these, place-based campaigns are that they identify priority targets, such as social care or hospitality, and seek to enlist the support of anchor institutions, which comprise not just the regional authority but other major public service organizations, such as hospitals, universities, and local authorities who can help spread the living wage along their supply chains and within their zones of influence. In addition to providing leadership for campaigns of this kind, devolved authorities have often supplied tangible resources. The Scottish Government has provided grant funding to the Poverty Alliance, the organization which accredits Living Wage Employers in Scotland, including funding for a new Living Hours campaign designed to combat the spread of short hours working and unpredictable schedules (Findlay, Stewart, et al. 2024). Equivalent funding has been provided by the Welsh Government to Cynnal Cymru, the Welsh accrediting body. As the devolved authorities have provided tangible support to trade unions through their continued funding of union learning so they have provided backing to the campaigning activity of new labour market actors.

2.1 | Competing Perspectives

Three broad and competing perspectives on the developments outlined above can be seen within the emerging literature on devolution and industrial relations. The first position is generally positive and holds that devolved authorities have adopted distinctive policies, created new institutions, provided support to the labour movement and other institutions of worker voice, and generated substantive improvements in employment conditions particularly for lower paid workers. Examples of contributions in this vein include Bacon and Samuel's (2017) positive assessment of partnership agreements in the Scottish and Welsh NHS, Foster's (2015) evaluation of the Welsh Government's support for trade union equality reps, Heery et al's (2020) research on the Scottish and Welsh Government's encouragement of the living wage, and Goberman and Hauptmeier's (2024) study of the Welsh Agricultural Advisory Panel. The latter notes the creation of a new tripartite labour market institution, fresh opportunities for Unite to represent its agricultural membership, the creation of an industry wage structure and stronger legal protection for 13,600 agricultural workers, most of whom are paid at the second point in the wage structure above the National Living Wage. Among the articles in this issue, Goberman and Hauptmeier's overview of Welsh devolution and Hann and Nash's assessment of the London Living Wage campaign also adhere to this positive perspective. Simm's review of developments in Scotland is also broadly positive but is perhaps more qualified in its judgement.

A common feature of these positive assessments of the impact of devolution on industrial relations is a stress on political explanation. Positive outcomes have accrued, it is argued, because

constitutional change has furnished opportunities for parties of the centre-left to develop distinctive industrial relations policies. In this way these contributions differ from what might be regarded as the orthodox interpretation of state intervention in the IR field, which emphasizes the hegemony of neoliberalism. This latter position tends to play down the influence of political variables, ascribing responsibility for neoliberal restructuring to multiple jurisdictions controlled both by the political left and the political right. It is also often rooted in a structuralist account of economic development, in which the global capitalist economy passes through distinct stages whose common features are manifest generally across countries, albeit with differing intensity and according to different timescales (Baccaro and Howell 2017).

Another feature of at least some positive assessments of devolution is an argument about the effectiveness of the soft, voluntary forms of regulation upon which national and regional authorities have often had to rely. An example can be found in the report for the Scottish Fair Work Convention on additional levers that might be used to promote fair work (Findlay, Stewart, et al. 2024). In their discussion of voluntary employment charters, the authors note that these provide a means of eliciting positive engagement from employers for a fair work agenda that extends beyond the minimum compliance that often results from hard regulation. They also note that soft regulation can have a norm-setting effect, can be tailored to specific industries, and can help diffuse good practice that reaches beyond the minimum standards typically required by employment law (see also Erickson et al. 2024). To generate these effects, charters and other voluntary standards may need to be reinforced through incentives, provided by conditionality requirements of public contracts and grants, and supported by some of the other levers identified in the report, such as evidence-gathering and advisory hubs, business champions, and communities of practice. The report's authors note that there is an urgent need for research on charters to provide evidence to test this argument and in its absence their case is provisional. At its heart, however, lies a contention that the kind of soft regulation used by devolved authorities is not just a pale imitation of harder regulation through employment law but possesses its own strengths and distinctive characteristics.

The second broad perspective tends to be expressed by writers on the critical wing of IR scholarship. These commentators are often supportive of devolution and attempts to promote fair work but are deeply sceptical about the measures devolved authorities have taken, stating that these are either ineffectual or can have perverse consequences for working people. Cunningham et al's (2023) assessment of the Scottish Government's wage subsidy in social care provides an example. The authors note that the subsidy led to an increase in hourly pay for care workers but that secondary benefits, such as improvements in recruitment and retention, were not widely experienced (in part because employers in other industries matched the increase), while unforeseen negative effects were common. The latter included some employers withdrawing from public provision, disruption to internal wage and promotion structures, and reduction of other terms and conditions to fund the increase in pay. They report that some care workers were worse off because of the change. In accounting for these disappointing

effects, the authors point to the wider economic context – set largely by the UK government – in which soft regulation was implemented. Desirable 'labour market outcomes' will not be achieved, they argue, 'unless measures are introduced to reduce the kind of market and austerity-based competition all too often pursued by local authorities and which underlies the sector's recruitment and retention problems' (Cunningham et al. 2023: 341). In this critique markets effectively trump (centre-left) politics.

A second example can be found in critical reflections on Greater Manchester's Good Employment Charter, developed by researchers from the University of Manchester (Johnson and Herman 2024; Johnson et al. 2023; see also McKay and Moore 2023). These authors do not 'discount the progressive potential of pluralist approaches to city region economic policy' (Johnson et al. 2023: 518), but their assessment of actual policy initiatives is largely negative. One line of critique that is developed questions the scope for winning voluntary employer commitment to higher labour standards beyond a narrow range of mainly large businesses. Initiatives like the Good Employment Charter, it is suggested, overestimate the scope for cooperation within industrial relations and it is observed that for many employers there is a 'business case' for driving down conditions of employment. Attempts to win business support for the charter, moreover, have led to a focus on 'lowest common denominator standards' (Johnson et al. 2023: 517) and a second critique is that the commitments the charter asks of employers are too modest and too minimally enforced to make much of a difference to the substance of industrial relations. As well as overestimating the receptiveness of employers to the good employment agenda, the regional authority is charged with neglecting the question of power in the employment relationship and failing to recognize the need to challenge employers through exacting standards that are rigorously enforced. For the Manchester researchers, soft regulation is simply not sufficiently robust to tackle the daunting labour market problems that devolved authorities confront. Members of the team have formulated proposals for strengthening the Good Employment Charter (Hughes et al. 2024), but the main thrust of their argument is that other, harder forms of regulation, employment law or collective bargaining, are required to effect meaningful change (see also Cunningham et al. 2023; McKay and Moore 2023). The review of developments in Greater Manchester ends with a call to 'replace top-down policy initiatives aimed at persuading employers to voluntarily upgrade standards', with an 'alternative radically informed praxis of collective representation'. The latter should comprise 'policies that shore up public services and the wider foundational economy, undergirded by explicit support for trade unions, and bottom-up capacity building in the voluntary and community sector' (Johnson et al. 2023: 518). In a manner emblematic of critical scholarship, collective organization, not state-led reform, is identified as the surest way to improve conditions for working people.

The third perspective is the least developed and emphasizes the risks that can flow from devolution, particularly if it is extended by devolving employment law or creating nation-specific systems of collective bargaining. An emphasis on the risks or undesirable consequences of devolution is found most

commonly on the political right. The last Conservative Government adopted a stance of 'robust unionism' towards Scotland and Wales and passed the United Kingdom Internal Market Act 2020, which created powers to reverse economic measures taken by devolved national governments that are deemed to inhibit trade within the UK. Even amongst supporters and on the political left, however, there is an awareness that devolution can carry risks. Some of these risks are reported in Cullinane's review of devolution in Northern Ireland below. Cullinane notes that the devolution of employment law has had some positive effects on industrial relations in Northern Ireland. It was noted above that antiunion law has either not been applied or has been watered down because trade unions were seen as an important cross-community institution supportive of the peace-process. Other developments, however, have been less benign when viewed from the perspective of the trade union movement. Trade union representation in Northern Ireland institutions has declined under devolution compared with the preceding period of direct rule, legislation conferring rights on workers which has been passed in the UK has not always been transposed into Northern Irish law, and financial pressure has led to lower pay settlements for public sector workers which in turn has led to industrial disputes. These problems arise from the distinctive features of devolution in Northern Ireland. The veto rights enjoyed by parties in the Assembly can make it difficult to pass legislation, while the repeated suspension of the Executive has both disrupted policy-making and led directly to the crisis in public sector pay. They nevertheless point to an important conclusion that has relevance elsewhere: that devolved government can result in outcomes that are less, not more, favourable than those generated at UK-level.

This conclusion has also been reached in a report on devolution and industrial relations in Wales commissioned by the Wales TUC (Jenkins 2024; see also Jenkins et al. this issue). One of the issues considered is the desirability of developing Wales-specific collective bargaining in industries where unions are already well-established. The report counsels caution. It notes that 'regions with lower levels of earnings', like Wales, benefit from national agreements and that 'greater decentralization of bargaining arrangements carries risks' (Jenkins 2024: 32-3). A consequence of breaking with existing agreements that link wages in Wales to those in England, that is, could be downward pressure on pay in the future, consolidating Wales's position as a low-wage economy. With regard to the devolution of employment law, the report recommends that the Wales TUC establishes a working group to consider the practicalities of taking this step. The tone of the report is not positive, however, and it is suggested that the most fruitful, immediate course of action on employment law is for the Welsh Government to invest more in the enforcement of existing rights. This wariness about the devolution of employment law is also seen in the report of the Independent Commission on the Constitutional Future of Wales, established by the Welsh Government to consider future possible constitutional arrangements, including independence, federalism, and enhanced devolution (2024). In its recommendations for immediate measures 'to protect devolution' the Commission calls for further devolved responsibilities for Wales, including justice and policing, but does not make a recommendation for the devolution of employment law. In reaching this position, the Commission consulted with the

Wales TUC and representatives of Welsh business. It notes of the latter that the 'general view was support for the value of a common set of rights and protections across the UK to business, in and outside Wales' (2024: 66). In other words, the likely disruptive effects of devolution were too great.

3 | Conclusion

The purpose of this article has been to provide an overview of political devolution and its impact on industrial relations. It has been argued that the opportunity afforded by devolution has been used by the devolved nations and regions to develop distinctive approaches to industrial relations, which have resulted in greater variety in the regulation of employment across the component elements of the United Kingdom. These distinctive approaches have often stemmed from a broader purpose of creating inclusive growth and community wealth-building and have taken the form of deliberate policy to promote 'fair work'. Fair work has been defined in a variety of ways, but common themes include raising pay for the low paid through the living wage, taking action to reduce precarious forms of employment, encouraging positive flexibility and other initiatives to spread equality and inclusion at work, developing local skills and providing job opportunities for local workers, and encouraging employee voice, including its expression through trade unions. Devolved authorities have generally embraced a cooperative, social partnership model of industrial relations. The methods that have been used to spread fair work have also exhibited variety. They have included traditional methods of state intervention such as acting as a good employer, using legislation and procurement to influence other employers, and supporting trade unionism. They have also included more novel methods, such as leading and funding public campaigns and using soft regulation - in the form of good employment charters - to elicit employer support for fair work.

Amongst supporters of devolution three perspectives are apparent in the emerging literature on how constitutional change has affected industrial relations. The first perspective is supportive, identifying significant positive effects. The second perspective is the mirror image of the first and argues that the methods used by devolved authorities to promote fair work are ineffectual and, in some cases, counterproductive. The third perspective identifies significant risks, especially to unionized workers, if devolution is pressed further and encompasses employment law and nation-specific collective bargaining. The division between the first two positions is especially marked and hinges on competing assessments of the effectiveness of the relatively soft forms of regulation that devolved authorities, other than the Northern Ireland Assembly, have necessarily had to rely. There is an urgent need for more research to evaluate these methods (Findlay, Stewart, et al. 2024). It would be helpful to know how many employers are affected by the conditionality of public procurement and grant-making and how many have signed up to good employment charters. In addition, it would be useful to know which types of employers are affected and the scale of any adaptive change that is required within their systems of management, if any. It would also be useful to know how many and which types of employees have been affected. There is a need for research on which elements of

the employment relationship have been improved through soft regulation, whether the scale of change is significant, and if unforeseen or perverse consequences have undermined positive gains. Answering these questions implies the use of quantitative research and perhaps the use of a comparative method, contrasting the devolved nations with the English regions and English regions with and without fair work policies (Hann and Nash this issue).

A factor that unites the articles below, which make up this Special Issue, is their emphasis on political explanation. It is argued that centre-left national and regional governments have used the opportunity presented by devolution to develop distinctive industrial relations policies. The political context from which these policies emerged, however, is changing, most notably through the election of an interventionist Labour Government at UK-level, which has announced its own programme of industrial relations reform. It remains to be seen how this change impacts on the devolved authorities and their policies for the labour market but there are several possibilities. One possible development is that the kinds of initiatives described above will spread further as the new government implements its proposals for extending English devolution. Good employment charters and the like might thereby be spread to other parts of the country. Another possibility is that the UK government will seek to learn from the Scottish and Welsh governments and transfer elements of devolved policy either to England or to the entire UK. This kind of upward policy transfer has been advocated by commentators (Sisson 2019) and may result, for example, in the implementation of a wage subsidy for care workers in England. A third possibility, however, is that the locus of policy innovation will switch to the UK-level and that the impetus driving experiment in devolved authorities, stemming from opposition to an anti-union, anti-regulation Conservative administration, will fade.

Politics might also shift within the devolved nations and regions. Change has already occurred in Scotland (Simms, this issue), with a shift to a pro-business, less interventionist politics since Nicola Sturgeon stepped down as First Minister. It was noted above that the Scottish Government has cut its fair work budget and withdrawn the Scottish Business Pledge, and it may be that the advice of the Fair Work Commission to expand the range of policy levers used to promote fair work will fall upon stony ground. Another possible shift stems from the strengthening of the radical right, visible in the rise of Reform UK and the rightward movement of the Conservative Party. In May 2025 Reform UK won control of two English regional authorities and the Conservatives regained control of Cambridgeshire and Peterborough. Other English regional authorities could switch from the centre-left to the populist right and it is not inconceivable that a rightwing coalition will win power in Wales at the next Senedd election. A change of this kind could lead to the abandoning of the policies described above. The right in the UK maintains a strong attachment to free markets and hostility to regulation and this could lead to the axing of good employment charters and other fair work initiatives if they win control. This is not the only possible change, however. Both Reform UK and the Conservative Party seek to attract working class voters, and it may be that elements of fair work survive for this reason. As Cullinane points out in this issue, the

Democratic Unionist Party in Northern Ireland, which shares many characteristics with Reform UK, has tempered its support for free market policies to appeal to working class Unionist voters. Where the populist right wins power elsewhere the fair work policies developed by the centre-left may be shorn of those elements that support trade unionism or foster equality and inclusion, but those promoting higher wages, less insecurity, more training and protecting local jobs and apprenticeships may survive. It is possible to envisage devolved authorities at some point in the future implementing a right-wing version of interventionist industrial relations designed to protect native-born workers. British politics has entered a period of flux, and this could lead to further, and perhaps surprising, experiments in industrial relations policy within the devolved structures of the British state.

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