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Fighting for Fair Work? The Limits of Voluntary Engagement

Abstract

Purpose – This article is a short commentary on the nature of Fair Work and the part it can play in the struggle to improve workers' conditions. The discussion considers Wales as well as Scotland, and also references Fair Work Charters in England, in its exploration of the "fair work project".

Design/methodology/approach – Data from a range of surveys is presented, to support the argument that much more needs to be done to achieve a fair bargain for all workers.

Findings – It also proposes that the fair work agenda needs to be more cognisant of divergent interests in capital-labour relations and to see fair work as a goal to be striven for rather than the willing gift of the good employer. In essence, it concludes that Fair Work statements can be useful if they are operationalised as stepping stones to clearly understood rights and expectations, linked to effective enforcement, as opposed to remaining a voluntary initiative mainly dependent on voluntary employer engagement.

Originality/value – This article is based on a review presented at a BUIRA workshop on Fair Work in Scotland, Glasgow 2025.

Keywords Scotland, Employee relations, Wales, Fair work

Paper type: General review

Summary

In this commentary we consider the role of the fair work agenda in the struggle to improve workers' conditions across the UK. We focus on localised fair work initiatives in Scotland, Wales and English city regions, as devolved jurisdictions that share a broad commitment to fair work yet differ in their powers, institutional approaches and the levers available to them. Situated within broader debates about job quality, industrial strategy for the everyday economy and the enactment of the UK Employment Rights Act (2025), we acknowledge the value of voluntary initiatives in articulating standards and for their potential as stepping stones to enforceable rights. However, we frame our discussion in the contested terrain of the employment relationship (Edwards, R. 1979), recognising the structured antagonism between capital and labour (Edwards, P., 1986), and 'fairness in work' as an arena of conflict – a condition that workers have always had to fight to secure.

Introduction

The employment relationship is, at its core, a site of structured antagonism (Edwards, P., 1986). Employers and workers share an interest in the enterprise continuing, yet are divided over the distribution of its proceeds, the terms of the wage-effort bargain and

the control of work itself. It is out of this tension that the question of fair work arises, where normative beliefs about what might constitute a fair day's work or a fair day's pay collide with the realities of enduring socio-economic inequality (Hyman and Brough, 1975: 1-7). The fair work agenda reflects this tension at multiple scales. In a deeply unequal, unevenly developed world, the search for fairness is both a local, national and international project. It is championed not only across the UK, but also by the EU and the ILO who provide definitions of 'fairness' that have the potential for wider application (EU, 2021; Fredman et al., 2025). In this article, we focus on how fair work has been framed and pursued by the devolved governments of Scotland and Wales, while also drawing on the experience of English city regions, including Greater Manchester, Liverpool and West Yorkshire where, more recently, Fair Work Charters have been introduced (Hughes et al., 2024). While each region has its own distinctive features, the charters themselves raise core issues about the framing of the fair work agenda as essentially voluntary, mutually beneficial initiatives for employers, workers and society. While positioned in variable local contexts, fair work charters thus share key characteristics in terms of language, intent and implementation that afford deeper insight into the fair work agenda writ large.

The UK provides a particularly instructive context for this kind of analysis: it currently ranks as one of the most inter-regionally unequal of all OECD countries (McCann, 2022; MacKay and Davies, 2011). In recent decades, neoliberal austerity policies have deepened existing regional inequalities (Brown, 2022; McCann, 2019; MacKay and Davies, 2011) to the extent that in some parts of the UK, economic inactivity, underemployment and the steady erosion of workers' expectations of good work have become a settled state (Beatty et al., 2019; Beatty and Fothergill, 2023). In economically disadvantaged regions such as parts of the Central Belt of Scotland, deindustrialised parts of Wales and the North of England, structural pressures bear down with particular force (Beatty and Fothergill, 2023; Fuertes et al., 2024), and it is here that the fair work agenda is perhaps most needed while having its most limited purchase. These places tend to share structural economic features such as concentrations of low-paid, informal, insecure, non-unionised work, making the fair work agenda as urgent as progress towards it is challenging (Keep, 2023; Sissons and Green, 2025).

In this context, and especially since 2010, a significant political disjuncture has opened up between the broadly social-democratic, devolved governments of Scotland and Wales and the Conservative (or Conservative-led coalition) Westminster administrations, which were committed to austerity politics and stringent cuts in public spending. Thus, while the rhetoric of 'good work' peppered Westminster policy

documents (for example, Taylor, 2017), organised labour was effectively shut out, as successive Westminster governments refused meaningful engagement with trade unions. In contrast, the devolved administrations have been more open to engaging with organised labour as a legitimate social partner (Findlay et al., 2024; Dickens, 2019; Hughes et al., 2024; Gallie et al., 2021), and in their roles as employers they have adopted the Real Living Wage (Heery et al., 2020; Dickens, 2019; Findlay et al., 2024). It follows that although employment regulation is almost entirely reserved to Westminster, policymakers in Scotland and Wales have developed local definitions of fair work and have linked them to various toolkits and policy levers to support implementation (Dickens, 2019; Fair Work Framework, 2016; Findlay et al., 2024).

Scotland's Fair Work Convention (2016), for example, has enacted procurement-linked conditions and emphasised employer-facing frameworks, while Wales, through the Fair Work Commission (Dickens, 2019) and the Social Partnership and Procurement Act (2024), has placed significant weight on social dialogue and trade union access to workplaces (Gooberman and Hauptmeier, 2025; Gooberman, 2017). In comparison, English city regions, where Fair Work Charters have been introduced more recently (Hughes et al., 2024), offer a further line of inquiry into how fair work is conceptualised, even if (hitherto) they have been operating without the limited institutional architecture that devolution provides. Finally, though beyond the scope of this paper, the Northern Ireland Programme for Government also contains a key commitment to improve job quality. In pursuit of this mission, the Northern Ireland Government is currently introducing a 'Good Jobs' Employment Rights Bill which is expected to become law by 2027. The fair work agenda is thus alive and well dispersed across all corners of the UK.

The two pillars underpinning these distinct initiatives are first, voluntary employer engagement and second – in areas where devolved infrastructure allows – attempts at linkages with those areas of devolved governance, such as health, skills, procurement and safety, where levers for implementation may be found (Heery, 2025). In this article, we suggest that despite its ubiquity, the push to gain voluntary employer engagement has largely failed to gain traction, and while governance linkages show more promise they remain constrained by institutional timidity and a reluctance to enforce. The thesis we advance to explain and develop this argument is straightforward: the pursuit of fair work must be understood and approached as a site of struggle over power and resources in the employment relationship, rather than as a consensual project built on shared interests. Our associated contention is that fair work declarations are most valuable when understood as tone-setters or potential stepping stones – as mechanisms for establishing higher expectations of what work can and should be. If we understand fair work initiatives in these terms, the question becomes not 'why won't

employers volunteer?' but 'how can these initiatives be designed to ratchet expectations upwards?' To build our argument we draw on policy documents, employer engagement data and survey data to assess what each pillar has delivered and to demonstrate the persistent gaps between fair work aspirations and the reality of working conditions (Jenkins et al., 2025).

In what follows, we distinguish between two dimensions of the fair work agenda's impact: first, its immediate, measurable effects on working conditions, and second, the longer-term question of whether it has shifted normative expectations or created institutional footholds for future enforcement of rights and responsibilities in work. We begin with a review of Fair Work and the framing of the debate, before moving to examine concrete measures of workers' experience of accessing fair work. The survey evidence we review bears primarily on the first dimension of the agenda's measurable impact; the second dimension, normative change and a raising of the expectations of workplace rights and their enforcement, is more difficult to measure. It demands a longer time horizon and different indicators and yet it is, we argue, where the real significance of fair work initiatives may ultimately lie. We conclude with a reflection on the need for greater boldness in pursuing enforcement and on the importance of understanding the quest for fair work as the struggle that it is.

Fairness in Work

The structured antagonism at the heart of the employment relationship is inscribed in the legal and institutional architecture of work itself. The 'fair' exchange of labour power in the creation of surplus value rests on contestable assumptions about the employment relationship. At its centre is the employment contract, essentially a wage-effort bargain, express or implied, involving mutual expectations between employer and employee. In UK law this arrangement is assumed to be a contract like any other, entered into freely and voluntarily by both parties, reflecting the broader voluntarist tradition in British industrial relations. The assumption of 'freedom' has long been challenged. It ignores the inescapable reality that the employment contract is founded on fundamentally asymmetrical power relations which complicate any straightforward account of freedom (for a full exposition, see, Khan-Freund, 1976). Nevertheless, where a worker can identify and prove the *existence* of a contract, it is evidence of a formal employment relationship which may offer access to legal rights and judicial redress. Such formality in employment relations is precisely what employers have, down the decades, consistently sought to repudiate.

It follows that the barriers to fair and equitable treatment are sharpest for those in fragmented, low-paid, low-skilled, insecure or informal work. Under the guise of flexibility, via means such as subcontracting, outsourcing and platform work, increasingly fragmented employment relationships have enlarged the employer's scope for repudiation of the worker's rights. Changes to the structure of work, involving increasing informality and unpredictability for tranches of workers, have been coterminous with the weakening of trade union rights, while deregulation and cuts to the funding of public monitoring bodies signal a retreat from statutory mechanisms of monitoring and enforcement (see, for example, Clark, 2025; Simms, 2024; WTUC, 2024). The result is to further distance workers from any hope of accessing the employment rights to which they are – or arguably should be – entitled (Bertolini and Dukes, 2021). Pressures of this kind bear most heavily on those in the weakest labour markets where economic betterment through work is not guaranteed, with implications for the floor of rights that all workers rely on (Beck et al., 2025; Bertolini and Dukes, 2021; TUC, 2025).

The erosion of expectations around workers' rights has taken place against this backdrop. It follows that the challenges facing regional economies are not simply a matter of individual employer behaviour; they reflect structural features of local labour markets characterised by high concentrations of employment in low-productivity sectors of the economy. Such sectors include care, retail, hospitality and food processing, where scope for productivity-driven wage growth is limited and fair work concerns are most acute (Keep, 2023; Sissons and Green, 2025). In Wales, for example, Sissons and Green (2025) have highlighted how regional development policy must face up to the dominance of low skilled jobs in what they reference as the 'everyday' or 'foundational economy' ^[1] and cite the deleterious implications this has for employment quality (see also Henley, 2024). The care sector is a particularly telling case, being of major significance in both the Scottish and Welsh labour markets, where low pay, insecure contracts and poor conditions persist despite the sector's dependence on public funding. Arguably, this is precisely the circumstance where the hard realities of public contracting being conditional on promotion of specific employment practices might be most effective (see Cunningham et al., 2022; Rubery and Urwin, 2011; Rubery et al., 2013). However, it is increasingly apparent that administrations rely on soft regulation through voluntary initiatives as the tool of choice for driving good employment practice. Effectively, the local state asks employers in those sectors with the least capacity, and, arguably, the least incentive, to voluntarily raise their standards. The proliferation of fair work initiatives expressed in persuasive language explicitly targeted at employers, is a prime example of this tendency (Cunningham et al., 2022; Dickens, 2019; Fredman et al., 2025; Heery et al., 2020).

As noted, a number of devolved governments and city administrations have the declared intent of persuading employers of the value of fair work (Findlay et al., 2024; Dickens, 2019; Hughes et al., 2024) as part of their broader attempts to mitigate the ongoing, corrosive effects of regional inequality (Myhill et al., 2021: 4110; Beatty and Fothergill, 2023; Beck et al., 2025; Visser, 2017). Currently, there are Fair Work Frameworks for Wales and Scotland and Fair Work Charters in at least six city regions in England (Hughes et al., 2024). It may be valid to ask why so many definitions of fairness are required on a small island and how far they are distinctive. This said, their very existence makes it clear that bespoke programmes are important to devolved administrations, and therefore the question of how best to understand the distinctive levers for enforcement in different regional settings comes to the fore.

In Wales, access to trade union representation is positioned as an enabling right for attaining fair work. The Fair Work Commission's recommendations on access to collective representation (Dickens, 2019) are operationalised in the Social Partnership and Procurement Act (SPP Wales 2024), which places trade union access and social dialogue on a statutory footing and lists collective bargaining coverage as a National Indicator of well-being. Since the crisis of the Covid-19 pandemic, there is some evidence in Wales of recovery in the take up of the living wage and rates of material deprivation (Welsh Government, 2025). Yet, structural imbalances and poverty persist in Wales (Jenkins et al., 2025) and even where statutory instruments are available, voluntary employer engagement remains thin. The Ethical Employment in Supply Chains Code of Practice, which guides responsible procurement in the context of SPP Wales 2024, is a case in point. While all 84 public bodies in Wales have signed up to their voluntary commitment to the Code, at the time of writing, just 654 out of 107,613 private sector organisations had done so, along with only 26 out of 5,098 voluntary bodies. The remainder have made no public commitment to try to safeguard the types of working conditions and access to trade unions that the Code recommends for workers in the supply chain. Non-signatories to the Code appear to suffer no detriment, and in this context there are concerns that many such available levers are not being used to their full potential (WTUC, 2024; Jenkins et al., 2025). Scotland has taken a more explicitly conditional approach, directly linking compliance with fair work principles to the award of public contracts and other public funding (Findlay et al., 2024). This represents a harder edge – one that Wales and the English city regions have not yet matched. In this context, as is the case in Wales, a review of Fair Work Charters in English city regions found voluntary employer engagement remains universally low (Hughes et al., 2024). For example, Greater Manchester's Good Employment Charter,

the longest-running of these initiatives, attracted only around 700 employer supporters in a city region with over 23,000 enterprises (Hughes et al., 2024).

These limitations sit alongside some more tangible advances made by regional and city administrations in cases where they can influence actual terms of employment. Some sectoral gains are apparent, for example, where administrations have had the power to directly influence the adoption of the Real Living Wage (Heery et al., 2020). There are also some rare, admittedly fragile, examples where voluntary engagement with employers has been used as a foothold for organising. One such case of ‘soft’ fair work influence on union recovery may be seen in a case of re-recognition in the Scottish voluntary social care sector (Cunningham et al., 2022). In this case example, union density rose from 17% (~300 members) to just over 50% (>900). Organisers leveraged the ‘shadow effect’ of the statutory recognition process while courting a broader voluntary settlement, in an instance of ‘soft-hard’ complementarity (Cunningham et al., 2022: 265). On the face of it, this appears as a gain for labour and an example to others, but to some extent this is far from being a new union strategy – statutory recognition is typically a last resort, not least because of the legal thresholds applied – and in the Scottish case the depth of the outcome was contested. Union recognition was conditional, involving concessions over bargaining unit boundaries and subject to a one-year review. It is also questionable how far such strategies may be replicated, as this agreement was sector specific and relied on public funding and leverage through the regulatory framework for the commissioning of care services – factors which are likely to be weaker in other low-wage sectors, especially in private services.

In practical application, it is clear that the twin pillars of voluntary engagement alongside various avenues of statutory levers presents us with a mixed picture in terms of progress towards fair work. Statutory levers through procurement, health and skills, have provided tangible, if limited, footholds in certain cases. Taking the example of Wales, however, Sissons and Green (2025) argue that in practical application, thinking on procurement has narrowed and even where fair work in the foundational economy is an explicit policy priority, there has been little progress either on job quality or the more radical questions of ownership and employment relations. Employers’ limited sign-up to the pillar of voluntary engagement arguably presents a still more troubling picture, not least because employers themselves are involved in the development of fair work frameworks from the outset, sitting alongside trade unions and third sector actors. Their limited engagement with the implementation of the frameworks they help to construct only raises further questions, such as whether the employer representatives who engage with policy makers carry their organisations with them, and whether they can truly claim to speak for the wider body of employers at all (Simms, 2024).

The weakness in commitment to principles that are painstakingly laid down, is not confined to employers. Devolved administrations and Westminster governments appear timid in both monitoring voluntary engagement with principles of fair work and enforcing statutory instruments (Simms, 2024; WTUC, 2024). Coercive and exploitative working practices persist while uncoordinated enforcement agencies seem concerned primarily to avoid the accusation of being heavy-handed in their dealings with business (Clark, 2025). 'Light touch' remains the order of the day. The consistency of this pattern across Scotland, Wales and the English city regions suggests that the specific institutional arrangements may matter less than the underlying reliance on voluntary engagement and a desire not to be seen to exert additional pressures on employers.

Framing Fairness in Work

Understanding why the voluntary approach has failed to gain traction demands that we look more closely at the language in which fair work has been framed. Scholars, practitioners and policy makers in Scotland and Wales have consistently sought to present the business case for fair work, and in so doing they have made a series of choices about what to foreground and what to leave aside. The language of fair work accordingly emphasises mutuality, fairness and the principles of inclusive growth, embedding local initiatives within a broader commitment to a fairer distribution of wealth and prosperity (IGC, 2017). The fair work ethos is positioned as a voluntary arrangement for the benefit of all, a means of 'enhancing employee well-being and raising productivity' (Gallie et al., 2021; HM Government, 2018). In their different iterations, fair work initiatives generally propose that workers be given access to opportunity, security of employment, a living wage, voice, and dignity in work. However, the framing is carefully calibrated not to encroach on the employer's prerogative or the manager's 'right to manage'. Thus, the Fair Work Convention for Scotland (2016: 4) asserts that:

We believe that fair work is work that offers effective voice, opportunity, security, fulfilment and respect; that balances the rights and responsibilities of employers and workers and that can generate benefits for individuals, organisations and society.

This is the language of 'integrative' or 'mutually beneficial' bargaining (Walton and McKersie, 1965). Fairness is presented as a matter of balance, a careful alignment of the interests of employers and employed. The need to protect the employer's interests is not incidental; it is woven explicitly into the fabric of the definition itself.

The same employer-facing logic runs through the Fair Work Charters in English city regions. The Charters are couched in carefully worded texts designed to 'appeal to employer interests and priorities and emphasis[e] the value that employers can derive from being part of the initiative' (Hughes et al., 2024: 2), and the pattern is consistent across jurisdictions, from the Greater London Authority's Good Work Standard (2019) and Greater Manchester's Good Employment Charter (2019) to Liverpool City Region's Fair Employment Charter (2021). Each is framed on the premise that fair work is beneficial to employers and employees alike, fostering improved industrial relations and higher engagement (Heery, 2025; Hughes et al., 2024).

Across each initiative, perhaps the greatest tension centres on collective representation. The Fair Work Commission for Wales (Dickens, 2019) was most direct in expressing the need for workers to have access to trade unions, framing this in terms of 'fair hearing and representation':

Fair work is where workers are fairly rewarded, heard and represented, secure and able to progress in a healthy, inclusive environment where rights are respected (Dickens, 2019: 2).

This definition is unusual in the fair work canon precisely because it does not shy away from explicit promotion of collective worker representation as an enabling mechanism. But more broadly, while references to worker 'voice' are prevalent across fair work frameworks, they tend to offer little clarity about what kind of voice is meant and may be interpreted as anything from a manager's open-door policy to independent collective bargaining.

Such equivocation is not incidental; it reflects the same reluctance to challenge employer prerogative that characterises the overall framing of fair work. Policy makers have framed the concept with care, balancing the interests of employers and workers and foregrounding cooperation and joint success, deliberately setting aside the structured antagonism that sits at the heart of the employment relationship (Edwards, 1986). Yet even this sensitivity to employer sensibilities has not translated into employers' general, meaningful engagement with the voluntary agenda (Hughes et al., 2024). This raises the question of why, if fair work serves everyone's interests, voluntary employer engagement, especially with the independent collective representation of workers, remains so persistently low. The answer, we suggest, is multi-layered and lies in what fair work actually requires. Some employers are ready to voluntarily engage, but with distinct indicators of 'fairness' over others. For example, as of May 2025, over 16,000 employers had accredited with the [Living Wage Foundation](#), covering 1 in 7 UK workers. The number of accredited employers has seen rapid growth, exceeding 10,000

by May 2022, 12,000 by April 2023, and rising by 19% in the 12 months leading to May 2025 (Living Wage, 2025). Yet this is an initiative that in and of itself is not ‘bargained’ and therefore reflects the status quo in employment relations. It is in the explicit relations of power where employers seem more reluctant to engage. In Wales, for example, where access to collective representation is a declared indicator of well-being and fairness in work, just 1 in 6 private sector workers enjoys trade union representation and the majority are not even clear about their rights to join (WTUC, 2024). It might be possible to explain this statistic as worker choice alone, were it not for the contrast with the public sector where trade union representation is positioned differently and membership is around 50% of the workforce. If employers are not signing up even where fair work is being framed to accommodate their interests, their reluctance may be a matter of what fair work actually asks of them: a redistribution of control and risk that no amount of careful language can disguise. The survey evidence reviewed in the following section shows what that reluctance means in practice for the workers the fair work agenda aims to serve. We focus on the key aspects of pay and collective representation.

Accessing Fair Work: The Spatial Variance of Worker Experience

Pay

The Office for National Statistics provides estimates of the proportion of people who are low paid, defined as those who were paid less than two-thirds of median hourly pay. By this definition, the proportion of low paid workers has fallen sharply in recent years to its lowest level on record: down from 21.8% in 1997 to 2.5% in 2025 (ONS, [2025](#)). This reduction can be explained by two factors. First, the Low Pay Commission (2024) reports that there has been a sharp increase in the UK's statutory minimum wage since 2016, combined with increased rates of compliance. Second, as previously noted, there has been an increasing uptake of the higher voluntary Real Living Wage. In 2016, almost a quarter (23%) of workers in the UK were paid below the real living wage. By 2025 this had fallen to 15%.

However, analysis by the Living Wage Foundation also confirms the presence of significant variations by region, with the proportion of workers being paid below the real living wage threshold ranging from 19% in the North East of England to 11% in Scotland. There is also significant variation within regions. Despite London having relatively low overall rates of low pay (12%), in 2025 it contained the local authorities which exhibited both the lowest (City of London, 3%) and highest (Redbridge, 35%) rates of low pay in the UK. Furthermore, despite overall reduction in rates of low pay across the UK as a

whole, those local authorities with the highest levels of low paid work were more likely to have seen increases in their rates of low paid work between 2024 and 2025.

In this context, across all regions and nations of the UK, Wales was the only area that witnessed an increase in the share of jobs paid below the real Living Wage between 2024 and 2025. The Welsh Government's own national indicator on fair work and earnings also considers the percentage of people in employment who earn at least the real living wage. In the Welsh Government's latest Wellbeing of Wales Report (2025) it was revealed that in 2024 67% of people in Wales earned at least the real living wage – a figure that has remained largely unchanged since 2012.

Collective Representation and Bargaining

The more general implications of the neoliberal agenda for hostility towards trade unions need not be repeated here (for example, see Harvey, 2005). However, if it is now accepted, as proposed in Wales, that collective representation is a defining constituent of fair work, the on-going downward trend in union membership across the regions of the UK must be a concern. Membership of unions affiliated to the Trades Union Congress (TUC) now stands at 6.7 million, continuing a general decline from 1979 when trade union membership peaked at 13.2 million. Estimates of the rate of trade union membership reveal that between 1995 and 2025, the percentage of employees in the UK who are trade union members (referred to as 'union density') declined from 32% to 22% (Department of Business and Trade, 2026). There is regional variation within these overall figures. Estimates for 2025 reveal that union density in England ranges from 18% in London and the South East to 24% across the regions of Northern England. Among the devolved nations, union density is estimated to be 29% in both Scotland and Wales and 32% in Northern Ireland.

Yet, worker attitudes towards collective representation are far more positive than might be inferred solely from trade union membership statistics. Data from the 2024 Skills and Employment survey reveals that approximately half (52%) of workers are employed in workplaces where trade unions are present. Amongst those employed in organisations where unions were present, when asked if a ballot were held to keep the union, three quarters of employees (74%) said that they would vote 'yes'. A large majority of workers in unionised workplaces are in favour of that coverage. Amongst those working in nonunionised workplaces across the UK, when asked how they would vote if a ballot was held to establish a union within their organisation, just over a third of employees (36%) reported that they would vote 'yes'. Around third said that they would vote 'no' (31%) and a third stated that they were undecided (32%). Most significantly for our purposes, Jenkins et al. (2025) report a 'representation gap, particularly among those

who are arguably most vulnerable'. This is a gap that applies to the UK as a whole but bears with particular force on the most vulnerable workers in Scotland (Bertolini and Dukes, 2021) and Wales (WTUC, 2024).

Official estimates of the coverage of collective agreements are now derived from the Annual Survey of Hours and Earnings (ASHE)^[2]. Based broadly on a 1% sample of employee jobs from HMRC PAYE records and responded to by employers on behalf of their workers, ASHE is now the preferred source of data on the coverage of collective agreements as questions over how pay is settled may be meaningless for certain groups of workers who lack awareness of exactly how their terms and conditions are agreed. In relation to selected workers, employers are asked 'Was the employee's pay set with reference to an agreement affecting more than one employee (for example, pay may be agreed collectively by a trade union or workers' committee)?'. The most recent estimates reveal that the pay of 40% of employees is set with reference to a collective agreement (Department of Business and Trade, 2026). Within Scotland and Wales, this figure is estimated to be 53%.

In the context of city region initiatives, how does collective representation vary inter-regionally? Figure 1 provides estimates of the coverage of collective bargaining derived from answers to this question based on ASHE² covering the period 2012-2021 (Davies et al 2022). Estimates are derived for 405 Unitary Authority and Local Authority Districts of Great Britain, based upon place of residence^[3]. The ASHE analysis reveals the importance of collective agreements in Scotland and Wales. Of the 20 districts of Britain with the highest rates of collective agreement coverage, 12 are in Scotland and 7 are in Wales. These areas are estimated to have rates of collective agreement in the range of 55-62%. Of those in the top 30 districts, 16 are in Scotland, 12 are in Wales and 2 are in England.

The analysis also allows us to examine the large variations in collective bargaining arrangements that emerge in areas covered by various City charters on fair work. Within the Liverpool City Region, collective bargaining arrangements are relatively uniform and high, ranging from 51% in Liverpool (ranked 48th) to 47% in St Helens (87th). In West Yorkshire, the coverage of collective agreements ranges from 46% in Wakefield (100th) to 44% in Bradford (132nd). In Greater Manchester, the coverage of collective agreements shows wider variation ranging from 47% in Bury (89th) to 40% in Stockport (210th). By far the greatest variation is however observed across Greater London, where the coverage of collective agreements ranges from 41% in Barking and Dagenham (203rd) to 25% in Westminster (405th – the lowest ranked district in Great Britain).

Insert Figure One around here

‘Voice’

The question of ‘worker voice’ is perhaps the most revealing dimension for assessing the fair work agenda, not least because it is the area where the language of fair work initiatives is most carefully hedged to protect employer sensibilities. Actively championing commitment to giving access to a ‘trade union’ is far more challenging than a nod to engaging in ‘regular consultation and communication’. The looseness of language must surely have been long deliberated and in application it resonates with the difficulties workers have in identifying exactly how their pay is determined, especially whether and how unions and collective bargaining institutions may be having some, albeit hidden, influence. If, as we argue, fair work initiatives may ultimately be most valuable as potential stepping stones towards enforceable rights, then the imprecision of key terms is a substantive problem rather than a mere drafting issue. When ‘voice’ can mean anything from a conversation with a manager to collective bargaining through an independent trade union (see, for example, the CIPD Survey, Zemanik, 2025), the concept loses its analytical purchase and, more importantly, its capacity to hold employers to account.

The 2024 Skills and Employment Survey (SES 2024) also provides new evidence on the perceptions of workers regarding participation in work, including how much say that they have over decisions to change the way in which their job is done. Both the Scottish and Welsh frameworks position fulfilment and participation in decision-making as central to the experience of fair work. The survey evidence points, if anything, in the opposite direction. On workplace participation, Gallie et al. (2025) report that task discretion, defined as the ability of employees to take decisions about their immediate job tasks, ‘declined between 2012 and 2017 and fell further in the period 2017-2024’. In the SES 2024 survey, just 34% of employees reported significant task discretion, compared with 44% in 2012. The occupations most affected were professional, caring and sales roles, with female employees disproportionately represented. Gaille et al. (2025) also demonstrate that organisational influence, measured in terms of how much say employees felt that they had in decisions which affected the way they did their job, fell between 2017 and 2024 continuing a generally steady decline that has been observed since 2001. This decline in organisational influence is demonstrated to have occurred despite a growth in the coverage of consultative committees.

Turning to the CIPD's Working Lives Scotland survey (Zemanik, 2025), which was deliberately structured around the five dimensions of the Scottish Fair Work Convention, we find further evidence of a representation gap. The CIPD's criteria for voice in this survey include '[c]hannels for feeding views to senior management, cultural norms on voice and satisfaction with the opportunities for voice' (Zemanik, 2025: 33). Here is a definition of 'voice' that does not require access to a trade union and is illustrative of the equivocation that characterises fair work frameworks more broadly. Independent collective representation, which we take to be a core feature of fair work, is correspondingly difficult to assess from this data. Nevertheless, one in five respondents (roughly 19%) report having no voice mechanism whatsoever, and only 20% believed their employer to be positively in favour of trade unions (Zemanik, 2025: 26).

Concluding Reflections

The evidence of workers' experience, as reviewed in the preceding section, does not make comfortable reading. Across several dimensions of fair work, broadly grouped in our discussion under pay, collective bargaining and participation, the data suggests that conditions of work have been stagnating or declining across the UK. Despite multiplying iterations of voluntary fair work frameworks, the gap between aspiration and practice has not closed. This should not, however, be read simply as a verdict on the inadequacy of a fair work initiative. It reflects a structural concern that the integrative, mutual gains framing of the fair work agenda fails to fully acknowledge: namely, the conflict of interest and structured antagonism (Edwards, 1986) that sits at the heart of every employment relationship.

A meaningful shift towards greater fairness in work demands first, redistribution of control, through shared decision-making, joint consultation and collective bargaining, and second, redistribution of risk, through guaranteed minimum wages and regular, predictable hours of work. These are not cost-free adjustments. They represent a material rebalancing of the employment relationship that employers, acting within the logic of the capital-labour relationship, have limited incentive to undertake voluntarily. The persistently low level of voluntary employer engagement across Scotland, Wales and the English city regions is, on this reading, not a puzzle to be explained away by appeals to ignorance or apathy; it is a predictable, rational response to what fair work actually requires. The answer to "why won't employers volunteer?" lies in the most straightforward but seemingly least palatable reality for policy makers committed to persuasion: that fair work is not a consensual project built on shared interests but a site of struggle over power and resources.

The more productive question, then, is not "why won't employers volunteer?" but "how can fair work initiatives be designed to ratchet expectations upwards?" In response, the evidence reviewed here, may be read through the lens of institutional layering (Streeck and Thelen, 2005). Layering describes the process by which new norms and expectations are grafted onto existing institutional structures, gradually altering their character without requiring wholesale legislative change. The real significance of voluntary fair work frameworks may lie not in their immediate compliance effects, which are, on the available evidence, modest, but rather in the normative benchmarks they establish. Standards that accumulate alongside existing regulation become increasingly difficult to disavow, and may create the political conditions for eventual codification. The trajectory from the Fair Work Commission's recommendations in Wales (Dickens, 2019) to the Social Partnership and Procurement Act (2024), which places trade union access and social dialogue on a statutory footing and lists collective bargaining coverage as a national indicator of well-being, is the clearest example of this mechanism in action. The Real Living Wage offers another: what began as a voluntary commitment has, in many contexts, become something approaching a contractual condition, and in some cases a condition of public contracts (Heery et al., 2020; Findlay et al., 2024).

But this progression has not been 'automatic', and it will not repeat itself without deliberate design. Dickens (1999), writing on equality regulation, argued that voluntary action, collective bargaining and legislation work best as interdependent rather than substitutable mechanisms; the strength of each depends on the presence and strength of the others. The same logic applies here. For fair work frameworks to function as genuine stepping stones rather than as endpoints that allow governments to claim progress without requiring change, three conditions need to act in concert: public bodies willing to attach real procurement consequences to non-compliance; trade unions with sufficient density and leverage to make the shadow of statutory recognition felt; and political actors prepared to codify accumulated expectations into enforceable rights when the conditions allow. Where these conditions have combined, as shown to some extent in the care sector study by Cunningham et al. (2022), where soft regulation was leveraged as a foothold for organising and eventual re-recognition, gains have been made, however fragile. In the absence of concerted action, the same or similar instruments deliver thinner results. These three conditions constitute, in practical terms, an answer to the question posed at the outset: how fair work initiatives can be designed to ratchet expectations upwards rather than simply articulate them. The question for policy makers in Scotland, Wales and the English city regions is whether their fair work frameworks are being designed with this trajectory explicitly in mind, with clear pathways from voluntary commitment to enforceable obligation, or whether the

frameworks are an end in themselves, expressions of intent rather than architecture for change.

This question has particular saliency in the context of the UK Labour government's Employment Rights Act (2025). The Act offers a potential vehicle for raising the UK-wide floor of employment standards. It will establish a Fair Work Agency with responsibility for enforcing labour law, and introduces measures on zero-hours contracts, fire and rehire practices, and day-one employment rights. Its contested journey through Parliament and employers' expressions of concern have, however, already demonstrated the tensions inherent in regulating employment in a neoliberal market economy. Employer lobbyists succeeded in securing significant concessions to the Act as it proceeded through the UK parliament. It follows that in her review of the Act's implications Dukes (2026) concludes that while it may indeed 'represent the biggest upgrade to workers' rights in a generation, [the enacted reforms] do not alter the fundamental characteristics of the neoliberal labour constitution in force in [the UK] since the 1980s'. This matters directly for the devolved nations: will a higher UK-wide statutory floor complement and reinforce distinctive fair work projects, or, lower the ambition of what counts as progress? A long-standing challenge in the UK is the absence of an industrial strategy for the everyday economy, where productivity-driven wage growth is structurally limited, and where fair work concerns are acute (Keep, 2023; Sissons and Green, 2025). The fair work agenda represents a genuine departure from the orthodoxy of treating these workplaces as a 'black box', but one that remains constrained by the same reluctance to enforce regulation that afflicts the wider UK framework (see Clark, 2025). The Employment Rights Act (2025) offers an opportunity to address that constraint UK-wide but whether the opportunity to effect real, meaningful change can be realised will depend, as it always has, on the balance of forces in the employment relationship. The signs thus far are at best mixed (see Dukes, 2026).

Historically, from the post-war statutory floor of rights to the gradual codification of equal pay, conditions of work across the UK have been improved by two means: regulation that compels employers to act, and the collective strength of workers that obliges them to negotiate. The evidence reviewed here is unambiguous on the point that neither is currently operating at sufficient strength. Without more concerted enforcement and without stronger collective organisation, not only fair work but compliance with statutory minima will remain a distant prospect in significant parts of the UK labour market (Clark, 2025; Bertolini and Dukes, 2021; Fredman et al., 2025; Kougiannou and Mendonça, 2025). Light-touch regulation and weak enforcement do not affect all workers equally; their costs fall disproportionately on those in fragmented, low-paid, non-unionised work in the foundational economy, the very workers whose

experiences are least captured by the surveys reviewed here and for whom the gap between fair work rhetoric and lived-reality is likely to be greatest.

This does not make fair work ideas redundant. What it does require is precision about what they can achieve and under what conditions. The concept of 'voice' offers a telling illustration. The elasticity of its usage is not a minor drafting issue: a concept that is only vaguely defined holds no actor to account and suggests that contested concepts are too often fudged in documents designed to please all. It is worth recalling that freedom of association is defined by the ILO as an enabling right, from which all other aspects of fair employment flow (ILO, 1998). If fair work frameworks are serious about 'voice', this is where the concept must be anchored and claims for representation that include individualised access to managers as part of the data cannot seriously be entertained. Such an approach may make consensus building more challenging, but this is no reason to concede the endeavour. The cost and control of conditions of work has always been contested terrain and the attainment of 'fair work' needs to be understood and engaged with as the struggle that it is.

Advancing that struggle, and assessing how far current initiatives contribute to it, requires further research. There is a clear need for systematic evaluation of the mechanisms by which fair work frameworks do or do not translate into changes in workplace practice; in particular, there is a need for research capable of isolating the effects of voluntary initiatives from those of statutory regulation. The interaction between the Employment Rights Act 2025 and devolved fair work agendas is particularly important: a higher UK-wide floor might complement existing fair work projects, or it might displace the impetus for more ambitious regional action. Research on employer decision-making in relation to fair work is sparse; we still know relatively little about what would alter their calculus. In this context we conclude that there is an urgent need to fully engage with the challenges facing marginalised workers, particularly in foundational economy sectors. This is not simply because this is where the stakes for workers are highest but also because the level to which standards may be allowed to fall is a crucial yardstick for all those committed to the struggle for fairness in work.

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Figure 1: Collective Bargaining Coverage. Source: Davies R, Bryson A. and Jones S. (2022)

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^[3] These data are available from www.wiserd.ac.uk/unionmaps.