

### Scottish Living Wage

The campaign for the Scottish Living Wage has made good progress in UNISON organised areas over the last year. NHS Scotland, NDPBs, 11 councils and 8 more committed to at least paying the Scottish Living Wage to their own staff. The outcome of the council elections is an opportunity to finish the job in local government and extend the living wage to contractors, including our members in the Community service group.

Almost all the outstanding councils have Scottish Labour and/or SNP in the ruling coalition. These are parties that have manifesto commitments that support the living wage. Scottish Labour's manifesto stated "Support the living wage for local authorities and their contractors". The SNP manifesto stated "A commitment to introduce the living wage for the lowest-paid council workers". The main difference is that the SNP are not committed to extending the living wage to contractors.

The key arguments in favour of the living wage are set out in the latest UNISON Bargaining Support [factsheet](#). Further materials can be found on the Scottish Living Wage Campaign [website](#). The Scottish Parliament Local Government Committee recently produced a detailed [report](#) on the Scottish Living Wage that covers many of the key issues and broadly supported its introduction.

There are two main ways of introducing the living wage. Removing increments at the bottom of the pay scale or by pay supplements. Some authorities have raised concerns about equal pay implications. Pay supplements might create a theoretical risk of challenge, but there is a genuine material factor defence. This is explained in paragraphs 86-90 of the parliamentary [report](#) should it be raised.

Extending the living wage to contractors through procurement has been largely done on a voluntary basis because of legal uncertainty in relation to EU procurement law. The Scottish Government is seeking clarification on this point from the EU Commission. UNISON believes that payment of the living wage can be included as a contract performance clause that sets out how the contract is to be performed and must be accepted by the successful tenderer. Again the parliamentary [report](#) (Para 98) covers this in more detail and includes a positive Counsel [opinion](#) that branches can refer to. Again the legal risk is largely theoretical as there have been no successful challenges to the policy in the UK.

#### Useful links

- [UNISON Living Wage factsheet](#)
- [Scottish Living Wage Campaign](#)
- [Scottish Parliament report](#)
- [Procurement – Counsel opinion](#)

#### UNISON Scotland's key campaigns

- [Public Works](#)
- [Protect Our Pensions](#)
- [UNISON Scotland website](#)

For more information please contact UNISON's Bargaining and Campaigns team on 0141 342 2811, or email [Dave Watson](#), Scottish Organiser.