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A Fair Work Agency for All? Labour Market Enforcement in Scotland



A Briefing from the University of Glasgow and the Worker
Support Centre



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1. INTRODUCTION

In Spring 2026, the Worker Support Centre (WSC) and the University of Glasgow convened a meeting of frontline worker organisations, academics, enforcement authorities, government representatives and policy makers on the enforcement needs of workers at risk of labour abuse and exploitation in Scotland. The new UK Fair Work Agency (FWA) will have significant implications for Scotland, particularly for those workers at risk of exploitation for whom enforcement is so vital.¹ Its creation brings with it a unique opportunity to find new and better ways of preventing exploitation in a changing enforcement landscape in Scotland.

The FWA combines the enforcement functions previously performed by the National Minimum Wage Unit within HMRC, the Employment Agencies Standards Inspectorate and the Gangmasters and Labour Abuse Authority (GLAA), with the oversight role of the Office of the Director of Labour Market Enforcement. As the FWA was created on 7 April 2026, these four bodies ceased to exist.

Like its predecessor bodies, the FWA is an agency of the UK Government with responsibility for labour market enforcement across the UK. When operating in Scotland, it will have to take account of peculiarities of the Scottish labour market, nationally and locally, and of Scotland's different geographical and institutional landscape – the latter comprising, for example, the Agricultural Wages Enforcement Team (AWET), the Fair Work Convention, and higher levels of trade union membership and collective bargaining coverage than in England and Wales. It is also essential that the FWA engages with the complexities of devolution and supports existing Scottish efforts to advance Fair Work.

Our meeting was intended to kickstart discussions of what a new FWA will mean for Scotland, and how new oversight roles and powers will impact workers at risk of labour abuse and exploitation. *What could effective enforcement look like in Scotland, and how could this vision be delivered in a changing landscape?*

About the authors

¹ As recognised by international organisations including the [International Labour Organization](#) and the [Council of Europe](#).

Professor Ruth Dukes, Dr Eleanor Kirk and Professor Melanie Simms are academics at the University of Glasgow, with expertise in employment law and employment relations. Caroline Robinson is the Executive Director and Valeria Ragni the Operations Manager of the Worker Support Centre, a charity based in Scotland which partners with people working on visas in care and agriculture, to secure their rights, end exploitation, build power and create lasting change.

The authors are grateful to all who participated at the Spring meeting including representatives from the Department of Business and Trade, the Scottish Government, the Scottish Trades Union Congress, the International Transport Workers' Federation, the Scottish Agricultural Wages Enforcement team and the Fair Work Convention, Dr Kendra Briken (University of Strathclyde), Professor Lydia Hayes (University of Liverpool), Professor David Whyte (Queen Mary University) and Professor Nicole Busby, Dr Vera Pavlou, Dr Antonio Garcia-Munoz and Qingqin Zhang from the University of Glasgow.

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2. EXECUTIVE SUMMARY

We echo and build upon calls already made for the FWA to embed the following principles.² Drawing on the [WSC's detailed briefing](#) prepared during design stage of the FWA, and additional evidence from our workshop in March, we believe that the FWA should be:

1. **Resourced** - Recognising the significant barriers to reporting for workers, and therefore the limits of complaints-driven enforcement, the FWA must be sufficiently resourced to engage in proactive inspections and effective responses when workers make reports. In addition to promoting employer compliance, breach of the law must be deterred, with the FWA visibly present right across sectors and regions.
2. **Trusted** - The FWA must inspire and maintain the trust of workers, particularly those working on the margins of communities and who are most at risk of exploitation. Specifically: clear processes for anonymous reporting must be put in place; FWA officials must be able to respond swiftly to complaints right across the country, and separation from immigration enforcement must be guaranteed.
3. **Accountable** - State enforcement must be transparent, with reporting of actions taken to frontline organisations and to workers and the publication of enforcement data (in line with the framework established in the ILO Labour Inspection Convention 81). Where employers fail to comply with enforcement notices and orders, follow-up action must be taken.
4. **Supportive** - Recognising how reliant the system has been on the 'victims' of abuses to enforce their rights via the employment tribunal system or by contacting state enforcement agencies, the FWA must engage, closely and continually, with the trade unions, civil society and charitable organisations that promote enforcement, supporting and advising workers,

² <https://trustforlondon.org.uk/research/building-a-fair-work-agency-that-works-for-all/>;
<https://www.ier.org.uk/publications/briefing-the-governments-fair-work-agency-risks-becoming-a-toothless-watchdog/>

representing them in employment tribunals, or bringing civil proceedings on their behalf, collaborating with and supporting such efforts, and finding ways to ensure workers get the support they need.

5. **Accessible** – The FWA should apply a ‘no wrong door’ policy, ensuring that workers are guided to the help they need, no matter where they first seek it.³ Workers in need of assistance can be bounced between agencies without finding resolution or clear direction. The FWA should ensure that workers seeking to support their rights are quickly and effectively connected, not only to the most appropriate enforcement pathways and agencies, but to further advice and support, such as that provided by worker support, advice and organising initiatives.

Additionally, the FWA in Scotland should be:

6. **Coordinated** – To support and amplify efforts across Scotland, the FWA must establish strong, country-level coordination systems. There must be engagement with Police Scotland on modern slavery cases, with AWET, the Care Inspectorate, Scottish Social Services Council, Local Authorities, and the Fair Work Convention. Clear coordination, shared understanding of devolved and reserved competences, processes, powers and the remit of different enforcement authorities, must all be prioritised.
7. **Complementary** – Consideration should be given to use of the existing infrastructure and resources of the Fair Work Convention to help inform, embed and ensure robust enforcement and employer education. These include the Fair Work Framework promoted to employers and used as a basis to advise Scottish Government, and the mandatory Fair Work First requirements in [public grants](#). Strong engagement is important between the FWA and Scottish Government officials responsible for Fair Work.

3. OVERCOMING BARRIERS TO ENFORCEMENT

Systemic barriers to enforcement leave workers vulnerable to abuse, particularly in sectors such as agriculture, care and fishing where large sections of the workforce are migrant workers, low-paid and precariously employed. Common barriers include geographic and institutional isolation, limited access to advice and low-levels of trade unionisation. The immigration regime also acts as a barrier to enforcement, exacerbating existing power imbalances between employers and workers. Tied and temporary visa schemes are [especially problematic](#) because they tie workers to a particular sponsor or employer, resulting in extreme vulnerability to exploitation and isolating workers rather than integrating them into the local communities surrounding the places in which they work.⁴

When it comes to guarding against exploitation and abuse of workers, state enforcement agencies are severely under-resourced. There simply are not enough inspectors to carry out inspections of workplaces or to react in an adequate and effective way to worker reports of legal breach and ill treatment. The experience of organisations like the WSC and the workers with which they partner is that state enforcement agencies have limited presence in workplaces of people at high risk of exploitation. Workers often do not feel safe enough to report abuses directly to state agencies and

³ The ‘No Wrong Door’ approach has been used by Scottish Government and third sector organisations in a variety of policy areas E.g. <https://www.gov.scot/publications/multi-agency-partnership-approach-distress-framework-collaboration/pages/5/>; https://homelessnetwork.scot/wp-content/uploads/2024/09/No_Wrong_Door_020924.pdf

require significant support to engage with agencies and to weigh up the likelihood of change ever being implemented against the risk of negative repercussions. In some shocking cases, employers have learned from inspectors the identity of workers who have complained and repercussions have followed. Maintaining anonymity becomes increasingly difficult where workplaces are small or where workers on tied and temporary visas, often suffering distinct workplace treatment, are in a minority.

Arrangements for communication between workers and state agencies are also insufficient to inspire workers' trust in the process. Those who raise complaints are often contacted by telephone, taking calls from their place of work which is also their 'home,' leaving them feeling nervous and vulnerable about being identified and victimised. In some workplace inspections, fellow workers are asked to translate, which destroys worker anonymity and confidentiality and undermines worker confidence to report breaches.

Enforcement action can also be undermined by the nature of relationships between employers and inspectors, with employers' word being taken at face value as evidence of legal compliance. Enforcement agencies have tended to operate on a presumption that most employers are compliant or seeking to comply in good faith. Experience on the ground suggests otherwise: workers can ask repeatedly that their legal rights be respected only to be ignored.

Worker trust is undermined where complaints are raised but not acted upon. The WSC reports being unable in many instances to tell workers what has happened as a consequence of reports that the workers have put a great deal of effort into making. Where complaints are not investigated but kept as intelligence, workers may receive no further information or response. Where workers are on temporary visas or fixed term contracts, they may have left a workplace by the time that any meaningful action is taken or communicated.

4. DRAWING ON EXISTING RESOURCES IN SCOTLAND

In addition to state enforcement agencies, a number of civil society organisations are active in the field of labour market enforcement, including ACAS, the CABx network, the WSC, specialist employment centres and trade unions.⁵ These exist variously to support, advise, represent and help workers to organise themselves to enforce their rights. WSC operates an early exploitation prevention model encompassing support, information, worker power, enforcement and policy change – strengthening workers' collective position to combat exploitation. This unique model has been in operation since 2023 serving actively to increase worker power over this time period and improving enforcement agencies' understanding of workers at risk of exploitation. Many of these organisations have had to weather increasing austerity, however, with dwindling funding available from local authorities and other sources. [Eligibility for legal aid to cover the costs of legal advice and representation is extremely limited in employment cases, and levels of funding so low that legal aid work appears largely unsustainable, even for law centres.](#)

State enforcement agencies in Scotland cite examples where collaborations with civil society organisations have helped them to access and communicate with hard-to-reach vulnerable workers e.g. AWET has cited the significance of working with WSC to enhance processes for engaging with people working in seasonal agriculture, helping to overcome barriers to trust and reporting. Such

⁵ For examples of specialist and union affiliated centres in addition to the WSC see:
<https://inverclydelife.com/services/inverclyde-advice-employment-rights-centre>;
<https://edinburghtuc.org.uk/support-at-work/>

efforts must focus on involving and integrating existing organisations, capitalising on their expertise, relationships and resources, rather than seeking to replace or bypass them.

Trade unions play an important role in helping workers to enforce rights individually as well as collectively. In 2025, the Scottish Trades Union Congress (STUC) passed a motion supporting a strategy of promoting the employment rights of low-paid workers, providing support and capacity-building for unions and Trades Councils to use the Scottish Government's Fair Work Framework and relevant employment legislation to improve working conditions. As part of the [*Our Rights in Action project*](#), the STUC have been working with advice agencies such as Inverclyde Advice and Employment Rights Centre, and Support@Work (Edinburgh), to develop and pilot regional hubs to help coordinate resources and actors, that facilitate enforcement, worker empowerment and organising. This is particularly important in small towns and rural areas where civil society organisations and activists may have more limited reach and workers vulnerable to exploitation can be harder to reach. Building on the success of sectorally-based strategies (for example, Unite Hospitality) the direction of travel has been a place-based approach, using local trade union branches to coordinate campaigns and resources in particular areas.

It is unclear how the FWA will integrate itself into or cooperate with this 'ecosystem' of civil society actors,⁶ how future resources will be allocated and existing resources spent. [Government webpages](#) state that the FWA will, 'Work closely with Acas to provide better support and guidance to workers about their rights.' At the recent FWA and University College London '[Working Lives Conference](#)' in May 2026, Chair of the FWA Matthew Taylor stated the agency's intention to work within an ecosystem of organisations, naming WSC as an example. To maximise its effectiveness, the FWA should also draw from and reinforce existing expertise and relationships, and more generally consolidate coordination with and between existing organisations. Closer coordination will have to overcome the challenges involved in bridging the existing reach and resources of different organisations which might have rather different aims, approaches and priorities.

5. NEXT STEPS

Our meeting in Spring 2026 brought together organisations and individuals with a range of expertise, seeking to adopt a practical perspective on the question of what the new UK FWA could mean for workers in Scotland. Our hope is that that meeting will be the first of many, and that we will continue to provide a forum for discussion and the formulation of policy recommendations, ensuring that the FWA delivers for all workers in Scotland, particularly those most at risk of exploitation. If you would like to be informed of future events and publications, please contact Caroline Robinson at caroline@workersupportcentre.org.uk and Ruth Dukes at ruth.dukes@glasgow.ac.uk.

⁶ The 'ecosystem' analogy has been repeatedly employed by the chair of the FWA, Mathew Taylor. See eg <https://committees.parliament.uk/oralevidence/17881/html/>