



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a
Chymunedau](#)

[The Equality, Local Government and
Communities Committee](#)

15/06/2017

[Agenda'r Cyfarfod](#)
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)
[Committee Transcripts](#)

Cynnwys Contents

- 5 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest
- 5 Bil yr Undebau Llafur (Cymru): Trafodion Cyfnod 2
The Trade Union (Wales) Bill: Stage 2 Proceedings
- 6 Grŵp 1: Cyfyngu ar Ddidynnu Taliadau Tanysgrifio i Undebau o Gyflogau yn y Sector Cyhoeddus (Gwelliant 1)
Group 1: Restriction on Deduction of Union Subscriptions from Wages in the Public Sector (Amendment 1)
- 12 Grŵp 2: Gofynion Cyhoeddi o ran Amser Cyfleuster (Gwelliant 2)
Group 2: Publication Requirements in relation to Facility Time (Amendment 2)
- 18 Grŵp 3: Gofyniad ynghylch Pleidlais gan Undeb Llafur cyn Gweithredu (Gwelliant 3)
Group 3: Requirement of Ballot before Action by Trade Union (Amendment 3)
- 26 Grŵp 4: Gwelliannau Drafftio (Gwelliannau 4, 5, 6)
Group 4: Drafting Amendments (Amendments 4, 5, 6)
- 28 Grŵp 5: Gwaharddiad ar Ddefnyddio Gweithwyr Dros Dro i Gymryd Lle Staff yn ystod Gweithredu Diwydiannol (Gwelliannau 7, 8)
Group 5: Prohibition on Using Temporary Workers to Cover Industrial Action (Amendments 7, 8)
- 32 Grŵp 6: Pwerau i Wneud Gorchmynion (Gwelliant 9)
Group 6: Order-making Powers (Amendment 9)
- 34 Papurau i'w Nodi
Papers to Note
- 34 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
Motion under Standing Order 17.42 to Resolve to Exclude the Public

Cofnodir y trafodion yn yr iaith y lfarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Gareth Bennett	UKIP Cymru
Bywgraffiad Biography	UKIP Wales
Janet Finch–Saunders	Ceidwadwyr Cymreig
Bywgraffiad Biography	Welsh Conservatives
John Griffiths	Llafur (Cadeirydd y Pwyllgor)
Bywgraffiad Biography	Labour (Committee Chair)
Sian Gwenllian	Plaid Cymru
Bywgraffiad Biography	The Party of Wales
Bethan Jenkins	Plaid Cymru
Bywgraffiad Biography	The Party of Wales
Rhianon Passmore	Llafur
Bywgraffiad Biography	Labour
Jenny Rathbone	Llafur
Bywgraffiad Biography	Labour
Joyce Watson	Llafur
Bywgraffiad Biography	Labour

Eraill yn bresennol
Others in attendance

Nicola Charles	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Mark Drakeford	Aelod Cynulliad, Llafur (Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol) Assembly Member, Labour (Cabinet Secretary for Finance and Local Government)
Paul Webb	Uwch–swyddog Cyfrifol, Bil yr Undebau Llafur (Cymru) Senior Responsible Officer, Trade Union (Wales) Bill

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Chloe Davies	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Uwch–gynghorydd Cyfreithiol Senior Legal Adviser

Naomi Stocks Clerc
 Clerk

*Dechreuodd y cyfarfod am 09:15.
The meeting began at 09:15.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest**

[1] **John Griffiths:** May I welcome everyone to this meeting of the Equality, Local Government and Communities Committee? Item 1 on our agenda today is introductions, apologies, substitutions and declarations of interest. We haven't received any apologies, but David Melding will substitute for Janet Finch-Saunders during item 7. Are there any declarations of interest?

[2] **Jenny Rathbone:** I'm a member of Unite trade union.

[3] **Joyce Watson:** I'm a member of Unite.

[4] **Rhianon Passmore:** I'm a member of GMB.

[5] **Sian Gwenllian:** Rydw i'n aelod **Sian Gwenllian:** I'm a member of the
o Undeb Cenedlaethol y National Union of Journalists.
Newyddiadurwyr.

[6] **Gareth Bennett:** I'm a former member of Unison.

[7] **John Griffiths:** And I'm a member of the Community and Unite trade unions. Okay, thank you all for that.

**Bil yr Undebau Llafur (Cymru): Trafodion Cyfnod 2
The Trade Union (Wales) Bill: Stage 2 Proceedings**

[8] **John Griffiths:** Item 2 on our agenda today is the Trade Union (Wales) Bill Stage 2 proceedings—consideration of amendments. The purpose of this item is to undertake Stage 2 proceedings on the Trade Union (Wales) Bill. In relation to this item, Members should have before them the marshalled list of amendments and the groupings of the amendments for debate. The marshalled list of amendments is the list of all amendments tabled, marshalled into the order in which the sections appear in the Bill. So, for this

meeting, the order in which we will consider amendments is the same as the order that the sections to which they relate arise in the Bill.

[9] You will see from the groupings list that amendments have been grouped to facilitate debate. The order in which amendments are called and moved for a decision is dictated by the marshalled list. I will advise Members when I call them whether they are being called to speak in the debate or to move their amendments for a decision. There will be one debate on each group of amendments. Members who wish to speak in a particular group should indicate this in the usual way. I will call the Cabinet Secretary to speak on each group.

[10] For the record, in accordance with the convention agreed by the Business Committee, as Chair, I will move amendments in the name of the Cabinet Secretary. For expediency, I will assume that the Cabinet Secretary wishes me to move all his amendments, and I will do so at the appropriate place in the marshalled list. Cabinet Secretary, if you do not want a particular amendment to be moved, please indicate this at the relevant point in the proceedings.

[11] In line with our usual practice, legal advisers to the committee and the Cabinet Secretary are not expected to provide advice on the record. If Members wish to seek legal advice during proceedings, please do so by passing a note to the legal adviser, Gwyn, here on my right.

Grŵp 1: Cyfyngu ar Ddidynnu Taliadau Tanysgrifio i Undebau o Gyflogau yn y Sector Cyhoeddus (Gwelliant 1)

Group 1: Restriction on Deduction of Union Subscriptions from Wages in the Public Sector (Amendment 1)

[12] **John Griffiths:** Okay. Group 1, then, relates to the restriction on deduction of union subscriptions from wages in the public sector. The lead and only amendment in the group is amendment 1, in the name of Janet Finch–Saunders. I call on Janet Finch–Saunders to move amendment 1 and speak to the amendment.

*Cynigiwyd gwelliant 1 (Janet Finch–Saunders).
Amendment 1 (Janet Finch–Saunders) moved.*

[13] **Janet Finch–Saunders:** Thank you, Chair. I move amendment 1 in my name. Of course, this amendment refers to restrictions on deduction of

union subscriptions from wages by employers. As UK legislation stands, nurses, teachers and civil servants are prevented from automatically paying trade union subscriptions from their wages. Currently, across the UK, the taxpayer is left with a £6.5 million bill every year to help fund union payments. Of course, the cynic in me might argue that, with workers having to arrange to make the payments themselves, this is going to impact adversely on the funding of the actual Labour Party itself, which depends on the unions for millions of pounds in donations every year. In the twenty-first century era of direct debits and digital payments, public resources should not be used to support the collection of trade union subscriptions. The collection of trade union subscriptions should be undertaken by the trade unions themselves, directly, and many unions are actually moving towards this model.

[14] The UK Government has modernised the relationship between trade unions and their members. By ending check-off, they have brought greater transparency to employees. This makes it easier for them to choose whether or not to pay subscriptions and which union to join. It remains that many trade union members are routinely misled when they join a trade union, such as the absence of information about the optional political levy. We do not agree with this. We believe that our public service workers should have the choice and they should have the opportunity, but, without the full knowledge and information, they haven't got either. The practice of check-off compounds the misleading marketing by omission, as trade union subscriptions are buried in the corporate payslip.

[15] The UK Government has, however, accepted the principle of allowing check-off to continue where the union meets the cost and where there is an agreement with the employer to do so. This would allow a public sector employer to make deductions from its workers' wages in respect of trade union subscriptions only if those workers have the option to pay their trade union subscription by other means, or if arrangements have been made for the union to make reasonable payments to the employer in respect of the making of the deductions.

[16] The state, for too long, has been complicit in what is considered by many to be dubious practice if it is the collecting agency, whereas moving to direct debit gives workers the added consumer protection of the direct debit guarantee. Hard work and organisational transparency must be rewarded and not press-ganged by any trade union. As I've said previously, this Bill seeks to undermine modern flexible working, it undermines modern working

patterns and harks back to an age of trade union manipulation, cynically underpinned by their links to the Labour Party. I move.

[17] **John Griffiths:** Are there other Members who wish to speak? Jenny Rathbone.

[18] **Jenny Rathbone:** Difficult to know where to start. The junior researcher who wrote that is obviously not keeping up with the times. I have to tell you that the average donation to the Labour Party was £50 in the last general election campaign. It was funded by individuals, in the main, unlike the Conservative Party, which is funded by very large donations from very rich individuals.

[19] But, keeping to the amendment, the overwhelming evidence from both employees and employers that we heard was that the cost of the deduction is absolutely negligible. It's almost completely automated and is dealt with in exactly the same manner as deductions for loans for a bicycle or for charitable donations, so that the cost to the employer is absolutely negligible. I've no idea where you got that figure from, but it's completely incorrect.

[20] Interestingly, we also heard from employers who said they could use check-off to be able to understand where the union membership was located within their organisation, for good or bad reasons, but there is complete transparency. The age of when people had to join a particular union, rather than another union, is completely outdated, and this is just a way of simplifying the way in which people can pay their union donations, some of whom don't have bank accounts or only have Post Office accounts. It's just a simple way of enabling people to make this payment. We heard absolutely no evidence at all that it was burdensome in any way on employers. None of the people who gave evidence spoke for this particular amendment.

[21] **John Griffiths:** Joyce Watson.

[22] **Joyce Watson:** As Jenny said, where to start? Well, we'll start with the evidence that was given, rather than the statement that's just been read out, and the evidence that was given quite clearly supports everything that Jenny has just said: that, in terms of collecting the subscriptions, because that's what we're talking about, it is a negligible cost and that it has huge advantages. In fact, I'd go as far as to say I've never sat on the taking though of the passage of a Bill where there's been such support for something like

there has been for this.

[23] I think it's a great pity that this has been so politicised by the opening statement, because, what we actually heard from employers was, as Jenny has mentioned, the advantage of knowing who belongs to a union also had the advantage of going to individuals when the employers were trying to drive through change and actually worked very well as a social partnership for both sides, whether that was the employer or the employee, and that there were massive advantages to that. All the witness testimony will substantiate and bear that out. So, clearly, I don't sit on the same side of opinion as the first speaker.

[24] **John Griffiths:** Okay. Sian Gwenllian.

[25] **Sian Gwenllian:** Rydw i hefyd yn mynd i siarad yn erbyn y gwelliant. Mae tystiolaeth yn dangos fod cyflogwyr y sector cyhoeddus yng Nghymru ac undebau yn cytuno—
Sian Gwenllian: I am also going to oppose the amendment. Evidence does demonstrate that public sector employers in Wales as well as unions agree—

[26] **Janet Finch-Saunders:** Sorry, Sian. Sorry, Chairman, my headphones aren't working. That's it.

[27] **Sian Gwenllian:** Fe wnaif i ddechrau eto. Rwy'n siarad yn erbyn y gwelliant. Mae tystiolaeth yn dangos bod cyflogwyr y sector cyhoeddus yng Nghymru ac undebau yn cytuno bod gweithrediad llyfn y drefn o dynnu taliadau tanysgrifio i undebau o gyflogau yn y sector cyhoeddus yn gyfleus i weithwyr a'r undebau llafur, ac yn broses sydd yn gweithio'n effeithiol.
Sian Gwenllian: I'll start again. I am going to oppose the amendment. The evidence has demonstrated that public sector employers and unions in Wales are agreed that the smooth implementation of the deduction of union subscriptions from wages in the public sector is convenient for both staff and the trade unions, and is a process that works effectively.

[28] Fe all fwriad Deddf Undebau Llafur Prydain, yn yr ymdrech i gyfyngu hyn, danseilio'r berthynas rhwng gweithwyr a'r undebau llafur y maen nhw'n ymuno â nhw'n wirfoddol. Mi all hynny yn ei dro,
 The intention of the UK Trade Union Act, in the attempt to limit this, could undermine the relationship between workers and the trade unions that they voluntarily join. That, in turn, could undermine the model of social

wedyn, danseilio'r fodel o partnership in Wales. Therefore, in bartneriaeth gymdeithasol yng order to safeguard that relationship Nghymru. Felly, er mwyn amddiffyn y between workers and trade unions model rhwng gweithwyr ac undebau that respects and maintains the llafur sydd yn parchu a chynnal y benefits of having independent manteision o gael cynrychiolaeth representation in the workplace, it's annibynnol yn y gweithlu, mae'n crucial that this means of payment is hanfodol bod y modd hwn o daliad safeguarded and promoted. yn cael ei ddiogelu a'i hyrwyddo.

[29] **John Griffiths:** Okay. Rhianon Passmore.

[30] **Rhianon Passmore:** I'd like to add to what's already been said. Witness after witness in front of us would agree that the social partnership has been of great economic benefit to Wales, and will continue to be so with this legislation, moving forward. I would add that there was no evidence given to us at any point in terms of the figure that you gave us, and, quite frankly, this is seen to be an ideological attack on the concept and principles of trade unionism.

[31] **John Griffiths:** I call on the Cabinet Secretary to speak.

[32] **The Cabinet Secretary for Finance and Local Government (Mark Drakeford):** Diolch yn fawr, Cadeirydd. Under the surface of the speech that introduced this amendment lay a set of attitudes that, I think, were very much exposed when the mover said that trade unions routinely misled their members. I think that that just tells you the cast of mind that lies behind this sort of amendment. It is not the view of the Government, nor was it the view of those many witnesses who came before you, that trade unions are in the business of misleading their members. As far as check-off is concerned, the evidence, as other members of the committee have said, is clear: putting limitations on check-off is unnecessary; the cost is negligible and it unjustifiably singles out trade union membership subscriptions from all other forms of payroll deduction.

[33] Chair, just to be absolutely clear again, employers are not compelled to provide check-off, neither are they compelled to provide it at no cost. These are matters that are negotiated between individual trade unions and their employers in a social partnership arrangement. The mover of the motion described that as a 'dubious practice'. I would say that it is simply the absolute routine bedrock of the way that successful industrial relations are

properly conducted.

[34] She said that the Bill in front of you ‘harks back’ to an era, as though we were talking about something that lay far back in the past. The position that the Government is putting in front of the committee is the position that was sustained through successive Conservative administrations led by Mrs Thatcher, John Major and David Cameron. It does not belong in some far distant era; it’s been good enough for successive Governments over decades.

[35] So, all I will do, Chair, is to remind Members of the conclusion that this committee came to in its own Stage 1 scrutiny report. You said in that report,

[36] ‘we believe that the provisions in the 2016 Act which seek to restrict check-off services are unnecessary and unwarranted....We see no valid reason to apply the provisions to devolved Welsh authorities in Wales. By destabilising the social partnership, the provisions may have an adverse impact on the effective delivery of public services in Wales.’

[37] I agree with your conclusions, and I hope that Members will vote against this amendment.

09:30

[38] **John Griffiths:** Okay. I call on Janet Finch-Saunders to reply to the debate.

[39] **Janet Finch-Saunders:** Great. Thank you, Chairman, and thank you to the Members who have contributed. But, clearly, my position here today is as an Assembly Member who is scrutinising a piece of legislation going through, so I stand by my amendment.

[40] In moving amendment 1, I’m doing so in the interest of transparency and accountability for our taxpayers, and also providing choice and empowerment to our hardworking public service workers. Therefore, I’m quite happy to move amendment 1.

[41] **John Griffiths:** Okay, so obviously you wish to proceed to a vote.

[42] **Janet Finch-Saunders:** I do.

[43] **John Griffiths:** Okay. The question is that amendment 1 be agreed. Does any Member object? [*Objection.*] Object. Okay. We will then move to a vote by show of hands. The question, then, is that amendment 1 be agreed. Those in favour, please raise your hands. Those against, please raise your hands. Okay, and that doesn't leave room for any abstention as all Members have voted. Okay. We have one Member in favour, and six Members against. So, the amendment is not agreed.

*Gwelliant 1: O blaid 1, Yn erbyn 6, Ymatal 0.
Amendment 1: For 1, Against 6, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:
Finch-Saunders, Janet	Bennett, Gareth Gwenllian, Sian Jenkins, Bethan Passmore, Rhianon Rathbone, Jenny Watson, Joyce	

*Gwrthodwyd gwelliant 1.
Amendment 1 not agreed.*

**Grŵp 2: Gofynion Cyhoeddi o ran Amser Cyfleuster (Gwelliant 2)
Group 2: Publication Requirements in relation to Facility Time
(Amendment 2)**

[44] **John Griffiths:** Group 2 relates to publication requirements in relation to facility time. The lead and only amendment in the group is amendment 2 in the name of Janet Finch-Saunders. I call on Janet Finch-Saunders to move amendment 2 and speak to her amendment.

*Cynigiwyd gwelliant 2 (Janet Finch-Saunders).
Amendment 2 (Janet Finch-Saunders) moved.*

[45] **Janet Finch-Saunders:** Thank you, Chairman. This amendment, of course, refers to the powers to require the publication of information on facility time, and to impose requirements on public sector employers in relation to paid facility time. During the evidence sessions, the Cabinet Secretary for Finance and Local Government mentioned that he believes that successful use of facility time means that there are savings to the employer

and to the Treasury, therefore, as a result of reduced employment tribunals.

[46] At this juncture, I believe further scrutiny is needed as to what evidence can the Cabinet Secretary use to support this statement; what monetary evaluation or assessment has he made? The Cabinet Secretary has talked about rewards, but there must also be a balance with the use of taxpayers' money. For example, what costings has the Welsh Government made of collecting information centrally about facility time? And I can say at this juncture, also, having sat through the evidence coming forward, that there was a lot of ambiguity, actually, about the information around that and so, therefore, I'd be really pleased to hear the Cabinet Member provide more clarity. Would this be less of a burden on public services to provide than, say, multiple freedom of information requests? Can there be provisions for public sector bodies to publish this information clearly?

[47] To clarify, the UK Act does not stop facility time or time spent by an organisation's staff on trade union duties and activities during working hours. It will, however, ensure greater transparency by extending the requirements to publish information on the time and money spent on facility time that currently apply to the civil service and to the wider public sector. Fundamentally, I believe it is right that the Government do monitor this practice to ensure it is a sensible use of taxpayers' money, and that this will ensure levels of facility time that remain appropriate.

[48] We could indeed go further. The TaxPayers' Alliance, in its submission to the Public Bill Committee at Westminster, recognised that one area that the UK Bill must address is the use of public buildings for trade union duties. A report released in October 2014, showed that unions were provided with at least 273,753 sq ft of dedicated office space by public sector organisations; it identified 162,000 sq ft of floor space provided to unions by councils; and 59,999 sq ft of floor space provided to unions by NHS trusts; 26,693 sq ft of floor space provided to unions by police forces; and 6,159 sq ft of floor space provided to unions by fire and rescue services. This does come at a cost to the taxpayer. Charges of just £307,093 were identified for the use of office space. The equivalent amount of space would have an annual market value of £6.2 million if in Cardiff.

[49] There are also sectors in which industrial action has a wider impact on members of the public, which I believe is disproportionate and unfair. Allowing agency workers to cover striking workers will ensure that businesses can continue to operate to some extent. A modern dynamic

workforce needs flexibility to drive economic change. The UK Act is cognisant of this. The Welsh version shifts focus away from value for money and back into the trade unions.

[50] Following a freedom of information request across Wales, as it stands, out of the 28 public bodies that were able to respond in full, 63 officers were on full-time union facility time, working a total of 2,459.6 hours per week. Out of the 26 public bodies able to respond—that's able to respond—a further 272 are employed part time, but there was very little detail. Fifteen out of 22 councils pay for their full-time officers on union facility time, equating to 33 officers. It is critical now, more than ever, that transparency and openness are ingrained across the Welsh public sector to ensure facility time works for union members, works for public sector delivery, and fundamentally ensures cost-effectiveness across our public services. I move amendment 2.

[51] **John Griffiths:** Are there other Members who wish to speak? Joyce Watson.

[52] **Joyce Watson:** I clearly was in a different room when I heard the evidence on facility time, but I'd like to pick up some of the points that have been made. One of them is obvious: that it's a clearly one-dimensional, completely unbalanced opinion of the evidence that we received about facility time. Let's be clear what that is for people who don't recognise the term but will recognise what facility time is. It's the time that is spent by union representatives, but also employers, to come to a mutual agreement over something that they want to maybe change, maybe challenge. Every single person that gave evidence gave evidence in a positive manner in terms of the money that it saved the taxpayer by early resolution of any potential or current dispute that might arise or already have arisen. We also received evidence quite clearly that supported that people who needed some facility time to be used to the advantage of those who are already disadvantaged, whether they are disabled, whether they aren't able to make their own case. So, it was a matter for equality of opportunity as well for those people, at a time—it has to be said—when the Tory Government has actually put in legislation of £1,100 for those people on the smallest wage to access the right for their voice to be heard within the workplace.

[53] We also hear from Janet Finch-Saunders that it already costs taxpayers in terms of facility time, but we heard evidence quite clearly to the contrary of that: that by putting in red tape and bureaucracy—favourite words,

actually, we hear, from the Conservatives very often—that that will actually add a burden to the taxpayer because those organisations and businesses would have to account for that, and any accounting also carries a cost to it.

[54] I clearly will be voting against this amendment, but I am somewhat confused by some of the information that I've heard. It doesn't stack up, and it seems to me that the only reason that this amendment has been put forward is to completely prevent this Bill going forward in the way that everybody who bore witness within this committee told us that they wanted to go forward.

[55] **John Griffiths:** Jenny Rathbone.

[56] **Jenny Rathbone:** I'm all for transparency and openness, but I think that the Member who's proposed this amendment has confused several things. One is that facility time only applies to those who have a job within the facility. It wouldn't apply to people who are funded by union subscriptions to represent the views of members, often in very large facilities like a local authority or a hospital, where there may well be full-time union representatives who are working on making sure that people are being treated fairly in carrying out their job. This only applies to those who are volunteers, who are not paid to do this, and therefore are seeking time to represent the membership in unforeseen circumstances, often. So, I looked very carefully at this when we were interviewing the witnesses as to whether it might be possible to make this work, but, for a party that argues in other circumstances of the need to reduce burdensome regulations, as they often talk about, this would actually hugely add to the complications of tracking exactly when somebody is going off their normal job in order to do something. Often, for example, where a member of staff has received very bad news about an illness that's going to make it impossible for them to continue carrying out that job, they will need instant advice on the best way of negotiating a redundancy payment or a pension in the light of those circumstances. And to understand that people don't just walk off the job if they need to go and represent a member; they have to negotiate it with their line manager to ensure that there is cover for whatever their normal job is.

[57] If we were to agree to this amendment, it would add a huge layer of bureaucracy to what is already a very complicated job: delivering public services. And I don't think it justifies in any way the proposal. We heard a huge amount of information about how people are doing union activities well beyond the amount of time allocated by the employer, often in the evenings,

talking to people who are upset or need advice about a matter relating to their workplace. I just think this is not in any way simplifying or making it more transparent about the important role that trade union representatives, who have been elected by their members, are being asked to carry out.

[58] **John Griffiths:** Rhianon Passmore.

[59] **Rhianon Passmore:** To add further to the points that have been made in regard to the proposed amendment, we've heard witness after witness give evidence—very strong evidence—that facility time emolliates and resolves conflicts and issues from employers and from the workforce at a very early stage. And restriction and modification upon that would counter the use and the well-being in terms of the social partnership model. And, if we look to the UK in terms of recent events in terms of strike action, it also points to the fact that by restricting those activities and making it more difficult to have early resolution at an early point—due to, in part, facility time without restriction, as you propose—that, there, speaks for itself in terms of teacher strikes, junior doctor strikes, et cetera. So, if we look at the model with the UK Act then I think you'll see that there is evidence there. In terms of the witness statements that we heard, they do not back up what you have said, fundamentally, and I would also add, simply, if you think of the advice from one of the witnesses, it was clear that much of this work is also pro bono, because these people are people who care. They care about their employment, of course, and they care about their workforce and they care about good workforce working environments.

[60] **John Griffiths:** Sian Gwenllian.

[61] **Sian Gwenllian:** Rwy'n siarad yn erbyn y gwelliant. Byddai gorfodi cyhoeddi gwybodaeth am amser cyfleuster yn peryglu'r berthynas sy'n greiddiol i lwyddiant y bartneriaeth gymdeithasol. Mae yn awgrymu diffyg ymddiriedaeth, ac yn faich biwrocraidd diangen. Mae amser cyfleuster yn gallu arwain at leihau anghydfod, gwella'r berthynas yn y man gwaith, ac, yn ei dro, mae hynny yn arwain at wella gwasanaethau cyhoeddus—rhywbeth sydd o les i

Sian Gwenllian: I oppose the amendment. Enforcing the publication of information about facility time would endanger the core relationship that is part of the social partnership. It suggests a lack of trust and is a bureaucratic burden that is unnecessary. Facility time can lead to reduction of disruptions, and, in turn, that leads to an improvement in public services—something that is good for everybody in our society.

bawb o fewn ein cymdeithas ni.

09:45

[62] **John Griffiths:** I ask the Cabinet Secretary to speak.

[63] **Mark Drakeford:** Well, Chair, as you've heard, reasonable facility time, negotiated between trade unions and employers, helps in the early resolution of disputes, promotes better workplace relationships and safer workplaces as well. Overwhelmingly, the evidence you have heard supports that. The mover of the amendment asked me for evidence of how properly conducted industrial relations provide for better outcomes for people here in Wales. And I very briefly just remind Members of the evidence that I provided to you during the times that I appeared before this committee, where, across our border, where there are confrontational and one-sided approaches to industrial relations, we have in the recent past seen disputes and strike action by firefighters, by teachers, by doctors, by nurses, by midwives, by other health service employees—none of which has happened here in Wales. And that is evidence, I believe, of the successful use of the social partnership model, where trade unions are able to represent their members using the reasonable facilities that are required if you are to have those sorts of relationships. It doesn't mean that there will never be disputes—of course it doesn't—but it does mean that you have a much better opportunity, as Sian Gwenllian said, to address these matters properly and to resolve them in a way that leads to better outcomes for citizens.

[64] Now, my evidence is only a tiny strand in the much wider set of evidence that you heard from employers themselves. This was not simply trade unions telling you why facility time is important; it was employers telling you how running their services depends upon their ability to negotiate and have access to people who can help them to resolve issues that otherwise go on to become much greater impediments to the successful delivery of those public services. You concluded, in your Stage 1 report, that:

[65] 'We strongly oppose the reserve power for Ministers of the Crown provided in the 2016 Act to cap the cost of facility time and restrict the amount of facility time available to union representatives.'

[66] You concluded that those restrictions should not apply here in Wales, and I ask you to vote against this amendment.

[67] **John Griffiths:** Okay. I call on Janet Finch–Saunders to reply to the debate.

[68] **Janet Finch–Saunders:** Thank you. I'll just move straight to the amendment, please.

[69] **John Griffiths:** Okay. So, obviously you wish a vote to be taken. The question is that amendment 2 be agreed. Does any Member object? [*Objection.*] Okay, we will then move to a vote. The question is that amendment 2 be agreed. Those in favour please raise their hands. Those against please raise your hands. And no abstentions. So, we have one Member in favour and six against, and the amendment is therefore not agreed.

*Gwelliant 2: O blaid 1, Yn erbyn 6, Ymatal 0.
Amendment 2: For 1, Against 6, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Finch–Saunders, Janet

Bennett, Gareth
Gwenllian, Sian
Jenkins, Bethan
Passmore, Rhianon
Rathbone, Jenny
Watson, Joyce

*Gwrthodwyd gwelliant 2.
Amendment 2 not agreed.*

**Grŵp 3: Gofyniad ynghylch Pleidlais gan Undeb Llafur cyn Gweithredu
(Gwelliant 3)**

Group 3: Requirement of Ballot before Action by Trade Union (Amendment 3)

[70] **John Griffiths:** Group 3 relates to the requirement of a ballot before action by a trade union. The lead and only amendment in the group is amendment 3, in the name of Janet Finch–Saunders, and I call on Janet Finch–Saunders to move amendment 3 and speak to her amendment.

*Cynigiwyd gwelliant 3 (Janet Finch–Saunders).
Amendment 3 (Janet Finch–Saunders) moved.*

[71] **Janet Finch–Saunders:** Thank you, Chairman. I move amendment 3 in my name, and of course this refers to the 40 per cent ballot threshold for industrial action affecting important public services. I recognise that trade unions are valuable institutions in British society, and dedicated trade unionists have a strong history of working hard to represent their members, campaigning for improved safety at work and giving support to their members when it is needed. However, I believe it is only fair that the rights of unions are balanced with the rights of hard-working taxpayers who rely on key public services. The UK Government ensured this balance with its 2016 trade union Act, creating workable legislation that is fit-for-purpose in a modern, fluid, economic market. This trade union Act we have in front of us merely threatens this balance, and, as the rest of the UK looks forward, Wales cannot be seen as going backwards. The aim of the UK Act is to rebalance the interests of employers, employees, and the public with the freedom of trade unions to strike. It was previously the case that a small minority of unions could disrupt the lives of millions of commuters, parents, workers, and employers at short notice and without clear support from the unions' members. Because of the high impact on the normal life of a large group of people, I therefore believe that it is completely sensible that such strikes only take place on the basis of a reasonable turnout and a substantial vote in favour by those able to vote. Wales currently has 30 per cent of its workforce with trade union membership. This is far in excess of the UK average of 21 per cent, and higher than that of England and Scotland. As such, the impact of trade union ballots will have more far reaching consequences for this country, and we need to consider the impact of this Bill on the everyday lives of people across Wales and the ability to deliver much needed public services.

[72] The UK Government's department for business, energy, innovation and skills has provided data on strike action, noting that, since the early 1990s, the number of working days lost by workers going on strike remains low when compared to the large strikes of the 1970s and 1980s. Yet, it remains that the impact of strikes fluctuates on an annual basis across the UK, with the number of working days lost due to strike action being 788,000 in 2014 and 170,000 in 2015. It remains that the number of working days lost due to strike action is linked to the industrial relations situation, which can change quickly. Linked to this, BEIS says that the combined days lost in the sectors of public administration and defence, education, health, and social work have accounted for the vast majority of days lost every year since 2008. These sectors remain at the forefront of our security, our well-being and our development. Such action, therefore, must be equitable and

democratic. As it stands, this Bill is neither of these things.

[73] The case remains that, as the law stands, the UK Government Act will provide tougher ballot thresholds that will reduce industrial action in important public services like transport, health, and education by 35 per cent, and it will save 1.5 million working hours a year from strike action. Furthermore, the measures in the UK Government legislation will also provide a £10 million boost to the Welsh economy over 10 years. It will protect hundreds of thousands of people across Wales from the effects of undemocratic strike action. The Act will ensure that, if strikes do go ahead, it will only be as a result of a clear democratic decision from union members, thanks to the introduction of tougher ballot thresholds.

[74] Finally, it is important to mention the ambiguity that lies around whether this Bill lies within the actual competence of the National Assembly for Wales. As the UK Bill made its way through the Westminster Parliament, the Welsh Government contested that some of its provisions should not extend to devolved public services, and vowed to bring forward its own legislation to disapply those provisions in Wales at the earliest opportunity. The UK Government has continued to argue that trade union law is non-devolved and so it is highly likely that a third piece of Welsh legislation will end up in the Supreme Court via a UK Government referral. This represents an expensive and unnecessary waste of taxpayers' money for legislation that is unnecessary, regressive, and represents little more than a Welsh Government vanity project.

[75] **John Griffiths:** Are there other Members who wish to speak? Joyce Watson.

[76] **Joyce Watson:** Where to start? I think the first place to start is to disapply this statement that's been made and to bring it out into the open that somehow the hardworking taxpayers of Wales are not trade union members, or, to put it around the other way, that trade union members are not hard-working tax-paying people, because that was clearly the opening statement. So, I just wanted to make that clear that certainly all those people who have just heard that, who are working now to deliver public services, will be offended—I have no doubt about that—because huge numbers and we are talking about public sector workers here, and giving them the right to, if they feel they have to—. And this is a place of last resort—a ballot for industrial action. And also, if we stay on that theme, we're talking about having to give notice to all those members of that workforce in the disparate parts that they

might work within in that public sector, particularly in rural Wales.

[77] I want to also pick up this other issue about competency. As you quite rightly said, the UK Government has wasted taxpayers' money—they have taken us to court; they did that with the agricultural wages board. Isn't there something going on here? They didn't want us to put back in place the agricultural wages board that protected the wages of those people who work within the agriculture industry here in Wales. But we've succeeded, and they did waste huge amounts of taxpayers' money in that.

[78] I also want to give a correlation here about some of those figures that have been put on the table about the numbers of days that were lost in strike actions, and there's a clear correlation between the 1970s, 1980s and now. The clear correlation is the Government that is actually in power. So, if we're going to want to draw a correlation, it's pretty obvious, and I think it's a shame that it was missed out of that correlation and those figures. And if we go on to figures and the savings that we're going to have—the projected savings this is—let's be clear: they're not actual savings at all. They're pure supposition—I would go so far as to say a fantasy. And I know that if I presented anybody with accounts that looked like that, they would tell me that they were pure fantasy.

[79] So, it is clear here to me that the objection to the current status of ballot requirements is clearly a move towards disallowing people to take in the finality, after they've gone through absolutely everything else, the right to strike. And people don't do that lightly because very often it costs those individuals because they are not getting any pay. Those same hard-working taxpayers whom you talk about, but somehow don't seem to belong in the workplace at the same time—it is costing them money. I won't be actually supporting this.

[80] **John Griffiths:** And Sian Gwenllian.

[81] **Sian Gwenllian:** Nid oes sicrwydd y bydd gweithwyr asiantaeth—. Sori, rydw i wedi drysu rŵan. Byddaf yn siarad yn erbyn y gwelliant. Rydw i'n teimlo bod yr hawl i streicio yn hawl sylfaenol, fel y cam olaf, pan fo pob llwybr arall wedi methu. Felly, mae cyflwyno trothwy assurance that agency workers—. I'm sorry, I've confused myself here. I'll be speaking against this amendment. I do feel that the right to take industrial action is a fundamental right, as a last resort, when all other routes have failed. So, introducing an

mymmpwyol yn mynd i'w gwneud hi'n anoddach i filoedd o weithwyr yn y sector cyhoeddus drefnu ar y cyd er mwyn amddiffyn eu swyddi, eu bywoliaeth ac ansawdd eu bywydau yn y gweithlu. Mae cyflwyno trothwy hefyd yn rhoi anfantaes glir ar gyfer gweithwyr yn y sector cyhoeddus o gymharu â'r sector preifat. Felly, rydw i am bleidleisio yn erbyn y gwelliant.

arbitrary threshold is going to make it more difficult for thousands of workers in the public sector to jointly organise themselves to safeguard their jobs, their livelihoods and the quality of their working lives. Introducing such a threshold does clearly disadvantage workers in the public sector as compared with those in the private sector. Therefore, I will be voting against this amendment

[82] **John Griffiths:** Rhianon Passmore.

10:00

[83] **Rhianon Passmore:** Thank you, and just three more points to add to what has already been said. I feel that the TaxPayers' Alliance figures must be taken with a pinch of salt, and I won't go into why that is at this point. I think what is fundamental is that this 40 per cent ballot, as has been recorded on the record by witness after witness whom this committee has taken evidence from, has been very clear. That 40 per cent ballot, as proposed, will fundamentally take away leverage from absolutely critical and vital industrial negotiations, and that has come forward from employers and employees, and from across the witness base that we have had. It is fundamentally of importance that those good industrial relations continue in Wales, and I won't talk about what I have spoken about previously and about what the Cabinet Secretary has also spoken about previously, which is what is happening in England at this moment in time. It is fundamental, on so many different levels, that we continue with the good industrial relations that we currently have across Wales. Your proposed amendment would fundamentally undermine that.

[84] **John Griffiths:** Thank you for that. Jenny Rathbone.

[85] **Jenny Rathbone:** This is a good example of, 'Do what I say, not what I do', in the sense that neither Janet Finch-Saunders nor I would have been elected if these conditions applied. That was pointed out to us by several witnesses—that we are endeavouring to raise the bar higher for trade unionists to seek the right to withdraw their labour when industrial relations have broken down. Clearly, it's a failure of industrial relations when a strike

is happening. I think that this proposal by the UK Government is very, very damaging for industrial relations and will lead to wildcat strikes in other parts of the economy, because people will be simply unable to express their displeasure at whatever is being proposed in a more legal and organised way. So, I do not think that we want to infect this disease into the public sector in Wales, and therefore I will be voting against this amendment.

[86] **John Griffiths:** And Bethan Jenkins.

[87] **Bethan Jenkins:** I think that it has been unfortunate because, in the first two amendments, the Member has put forward propositions that undermine the basis on which trade unions operate, and then she started the third amendment by stating how much she supported the trade unions and how much they did. So, I think she needs to reflect on what she really actually believes in this regard. If you're trying to take away some of those rights through the first two amendments, starting off the third by then stating that they do have a vital role to play—. You've used words like 'dubious' and you've used quite strong words against their working practices, and then you've carried on at the start of your third amendment—not at the end of it—by trying to roll that back somewhat, and I'm confused.

[88] **Janet Finch–Saunders:** It wasn't to roll it back.

[89] **John Griffiths:** We can't have a conversation over the table, I'm sorry.

[90] **Janet Finch–Saunders:** It wasn't to roll it back.

[91] **Bethan Jenkins:** I've respected what you're saying. Please respect what I'm saying. I wasn't actually intending to speak at all today.

[92] **John Griffiths:** Could I just ask all Members to listen to other Members' contributions in silence?

[93] **Bethan Jenkins:** The point I really wanted to make was that I take issue with referring, in your words, to 'undemocratic strikes' taking place. I've been part of conversations here with National Museum Wales, where people have been in protracted discussions to try not to get to a situation where they strike. Then, for them to think that an Assembly Member would deem their practices to be undemocratic I think is something that makes me feel very uncomfortable. They are not doing these strikes as a first port of call. They are doing it after very, very difficult conversations with the Government

and with trade union officials.

[94] I just want to end by saying that we had evidence from those in the trade union sector saying that, if this threshold was higher, they would spend more time negotiating to reach that level for the strike, as opposed to actually negotiating. So, what do we want to try and achieve? Do we want to try and achieve a positive outcome for everybody? Or do we want the trade unions to be devoting their time to having to seek that action because those are the terms by which they have to operate now? I think that, in Wales, we want to try and operate differently, and we want to try and encourage people to work positively together. I think that's why this should not be passed today.

[95] **John Griffiths:** Okay. I call on the Cabinet Secretary to speak.

[96] **Mark Drakeford:** Thank you, Chair. Well, just three points from me, echoing many of the things that have been said already. At the heart of this group of amendments, and in the first three altogether, lies a view of industrial relations that the mover set out: that on one side of the equation you have trade unions, and on the other side of the equation, you have these mythical, hard-working taxpayers, and that the relationship between them is inevitably confrontational where the interests of the one are not the same as the interests of the other. And yet, we know, as Joyce Watson said, that these hard-working taxpayers are exactly the trade unionists who we have been talking about; they are the commuters, they are the parents, they are the patients who are affected when industrial action happens. Their interests are identical, and in a social partnership model we try—and we have tried successfully in Wales—to create the conditions in which people can pursue those interests, even when there are difficult things to negotiate, to successful and agreed conclusions, rather than driving people down the route of industrial action.

[97] I thought the use of the word 'undemocratic' was regrettable, in the way that Bethan Jenkins said. Even with the changes that the Welsh Government's Bill proposes, no strike action could happen without 50 per cent of the people taking part in that ballot voting for it. Not only are Assembly Members not elected according to the 40 per cent threshold, but most of us here don't have 50 per cent of people in an election voting for us—some do, Sian. [*Laughter.*] I think it happened to me once. But, generally, we are elected with fewer than 50 per cent. So, if it's undemocratic to call strike action when over half the people voting are in favour of it, then I

wonder what the Member thinks of the system under which she and we are elected here.

[98] Can I say, thirdly, Chair, that I also thought it was a matter of regret that the Member chose to end her introduction of this group of amendments with that implied threat about what the UK Government might do? In democratic terms, the position taken in this Bill is the one that has already been endorsed in the fourth Assembly, in successive statements by Ministers, and by votes on the floor of the Assembly when an LCM was denied to the UK Government in seeking, as we believe, to trespass on devolved competencies. If this Bill succeeds, it will have the democratic authority of this National Assembly. That position will have been the position taken by 32 of the 40 Members elected to Parliament in Wales only on Thursday of last week. Now, when it comes to thinking about where democratic legitimacy lies here, and where a minority Government at Westminster might seek to overturn the democratic will of elected Members here in Wales, and of Welsh Members of Parliament, I think it was regrettable that the Member thought that it was worth waving that possibility in front of the committee this morning.

[99] I agree with the committee, as I have in all three of these groups, with the position that you took in your report, which was set out using the arguments that Bethan Jenkins used in closing her remarks. I hope that Members will vote this morning to resist this amendment.

[100] **John Griffiths:** I call on Janet Finch–Saunders to reply to the debate.

[101] **Janet Finch–Saunders:** Thank you, Chairman, and just really to move to the vote, please, moving the amendment in my name.

[102] **John Griffiths:** Okay. So, you wish to move to a vote on amendment 3. The question is that amendment 3 be agreed. Does any Member object? [*Objection.*] Object. Okay, the question is that amendment 3 be agreed. Will those in favour please raise their hands? Will those against please raise your hands? And there are no abstentions. So, we have one in favour and seven against, and amendment 3 is therefore not agreed.

*Gwelliant 3: O blaid 1, Yn erbyn 7, Ymatal 0.
Amendment 3: For 1, Against 7, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Finch–Saunders, Janet

Bennet, Gareth
Griffiths, John
Gwelllian, Sian
Jenkins, Bethan
Passmore, Rhianon
Rathbone, Jenny
Watson, Joyce

*Gwrthodwyd gwelliant 3.
Amendment 3 not agreed.*

Grŵp 4: Gwelliannau Drafftio (Gwelliannau 4, 5, 6)
Group 4: Drafting Amendments (Amendments 4, 5, 6)

[103] **John Griffiths:** Group 4 relates to drafting amendments. The lead amendment in the group is amendment 4 in the name of the Cabinet Secretary.

*Cynigiwyd gwelliant 4 (Mark Drakeford).
Amendment 4 (Mark Drakeford) moved.*

[104] I move amendment 4 in the name of the Cabinet Secretary and call on the Cabinet Secretary to speak to his amendment and other amendments in this group.

[105] **Mark Drakeford:** Thank you, Chair. This is a group of minor and technical amendments. The Bill in front of you inserts a definition of devolved Welsh authority into the Trade Union and Labour Relations (Consolidation) Act 1992. These three amendments ensure that when that definition is inserted, it will have the correct sequential numbering in the amended 1992 Act.

[106] **John Griffiths:** Okay. Are there other Members who wish to speak?

[107] **Janet Finch–Saunders:** I'd like to record an abstention, so I'd like it to go to the vote.

[108] **John Griffiths:** Okay, we will get to that stage. Cabinet Secretary, is there anything further you want to say? I don't know if you want to reply to yourself, as it were.

[109] **Mark Drakeford:** No, thank you, Chair.

[110] **John Griffiths:** Cabinet Secretary, you obviously want to proceed to a vote on amendment 4. The question is that amendment 4 be agreed. Does any Member object? [*Objection.*] Would those in favour please raise their hands? Would those against please raise their hands? Would those abstaining please raise their hands? Okay. We have seven in favour and one abstention.

*Gwelliant 4: O blaid 7, Yn erbyn 0, Ymatal 1.
Amendment 4: For 7, Against 0, Abstain 1.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Bennett, Gareth
Griffiths, John
Gwenllian, Sian
Jenkins, Bethan
Passmore, Rhianon
Rathbone, Jenny
Watson, Joyce

Finch-Saunders, Janet

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

*Cynigiwyd gwelliant 5 (Mark Drakeford).
Amendment 5 (Mark Drakeford) moved.*

[111] **John Griffiths:** I move amendment 5 in the name of the Cabinet Secretary. The question is that amendment 5 be agreed. Does any Member object? [*Objection.*] Would those in favour please raise their hands? Would those against please raise their hands? Would those abstaining please raise their hands? Okay. We have seven in favour and one abstention.

*Gwelliant 5: O blaid 7, Yn erbyn 0, Ymatal 1.
Amendment 5: For 7, Against 0, Abstain 1.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Bennett, Gareth
Griffiths, John
Gwenllian, Sian
Jenkins, Bethan

Finch-Saunders, Janet

Passmore, Rhianon
Rathbone, Jenny
Watson, Joyce

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

*Cynigiwyd gwelliant 6 (Mark Drakeford).
Amendment 6 (Mark Drakeford) moved.*

[112] **John Griffiths:** I move amendment 6 in the name of the Cabinet Secretary. The question is that amendment 6 be agreed. Does any Member object? [*Objection.*] Would those in favour please raise their hands? Would those against please raise their hands? Would those abstaining please raise their hands? Okay, we have seven in favour and one abstention.

*Gwelliant 6: O blaid 7, Yn erbyn 0, Ymatal 1.
Amendment 6: For 7, Against 0, Abstain 1.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Bennett, Gareth
Griffiths, John
Gwenllian, Sian
Jenkins, Bethan
Passmore, Rhianon
Rathbone, Jenny
Watson, Joyce

Finch-Saunders, Janet

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

**Grŵp 5: Gwaharddiad ar Ddefnyddio Gweithwyr Dros Dro i Gymryd Lle Staff
yn ystod Gweithredu Diwydiannol (Gwelliannau 7, 8)
Group 5: Prohibition on Using Temporary Workers to Cover Industrial Action
(Amendments 7, 8)**

[113] **John Griffiths:** Group 5 relates to a prohibition on using temporary workers to cover industrial action. The lead amendment in the group is amendment 7, in the name of the Cabinet Secretary.

Cynigiwyd gwelliant 7 (Mark Drakeford).

Amendment 7 (Mark Drakeford) moved.

[114] I move amendment 7 in the name of the Cabinet Secretary and call on the Cabinet Secretary to speak to his amendment and the other amendments in this group.

[115] **Mark Drakeford:** Thank you, Chair. Just very briefly to set out the background to this group of amendments, as Members here will know, the previous UK Government consulted in 2015 on a proposal to rescind a prohibition on the use of agency workers to cover industrial action. No legislative measures have been taken as a result of that consultation, but what these amendments do is safeguard the existing position for Welsh devolved public bodies. So, I wanted to thank the committee for being willing to take evidence on this matter while the Welsh Government was, ourselves, consulting on the proposition that we should secure the position here in Wales. As you know, that consultation was overwhelmingly in favour of making sure that we were able to sustain the status quo, and I was very grateful for your conclusion in your report that we should bring forward an amendment at Stage 2 to do exactly that.

[116] Amendment 7 is the substantive amendment in this group and, just to be clear, Chair, the language used in the amendment is the language used in the Employment Agencies Act 1973 and the Trade Union and Labour Relations (Consolidation) Act 1992, because it is the position established by those two Acts that we are seeking to retain here in Wales. The language of the amendment may sometimes seem to be a bit outdated, especially when it draws on the 1973 Act, but it is deliberately deployed in that way because our aim here is to remain consistent with existing legislation.

10:15

[117] For the avoidance of doubt, let me be clear that the amendment continues to prevent the use of workers whose contracts are with what the Employment Agencies Act 1973 refers to as 'employment businesses'. The term we would more normally use today is 'agencies', but 'employment businesses' is the term that the law currently deploys, and we continue to reflect that in our amendment, and so it means that those individuals could not be provided for the purposes of strike-breaking, and, again, just for clarity's sake, the amendment does not impinge on the temporary employment of workers by public services themselves for other purposes, such as bank and agency nursing.

[118] **John Griffiths:** Okay. Are there any other Members who wish to speak? Sian Gwenllian.

[119] **Sian Gwenllian:** Diolch. Rwy'n falch iawn ein bod ni wedi gallu cydweithio i ddod â'r gwelliant yma ymlaen. Mae yna nifer o ddadleuon dros gadarnhau'r sefyllfa yma yng Nghymru ac i ddiogelu y wlad yma rhag unrhyw newid i'r dyfodol. Ni wnaf i fynd drwy'r dadleuon i gyd, ond jest i nodi un efallai. Fe gawsom ni dystiolaeth nad ydy'r sector ei hun, yr asiantaethau eu hunain, wedi cael eu hargyhoeddi fod rhoi gweithwyr dros dro a gweithwyr asiantaeth yng nghanol sefyllfaoedd lle mae'r berthynas ddiwydiannol yn gallu bod yn anodd yn beth da i'r gweithwyr eu hunain nag i bawb arall sydd yn cael eu dal yn y sefyllfa. Felly, nid yw hynny, yn ei dro, yn helpu symud pethau ymlaen.

Sian Gwenllian: Thank you. I'm very pleased that we were able to collaborate to bring this amendment forward. There are a number of arguments for confirming and safeguarding the situation here in Wales, and to safeguard this country from any future change. I won't rehearse all of those arguments, but I would just perhaps refer to one. We received evidence that the sector itself, the agencies themselves, if you like, aren't convinced that putting temporary workers and agency workers at the heart of a situation where industrial relations can be difficult isn't necessarily a good thing for those workers themselves, or for all those others concerned in those situations. So, in turn, that doesn't help in moving things forward.

[120] **John Griffiths:** Okay. I call on the Cabinet Secretary to reply to the debate.

[121] **Mark Drakeford:** Wel, diolch yn fawr i Sian Gwenllian am dynnu sylw at y ffaith nad yw'r asiantaethau eu hunain wedi cefnogi'r pwrpas i ail-wneud y gyfraith yn y lle yma, achos nid yw'n mynd i helpu'r bobl sy'n mynd i gael eu rhoi mewn i sefyllfa anodd, ac nid yw'r asiantaethau eu hunain yn cefnogi'r ffaith yna.

Mark Drakeford: Well, thank you very much to Sian Gwenllian for drawing attention to the fact that the agencies themselves haven't supported the purpose of rewriting that law, because it's not going to help those people who are going to be put in a difficult situation, and agencies themselves don't support that fact.

[122] So, thank you for the opportunity to have worked with the committee on this matter, and I repeat my thanks to Members for their willingness to

pay attention to this matter while it was still under consultation. Your conclusions materially helped in my decision to bring forward this amendment this morning, and I hope Members will be willing to support both amendments in this group.

[123] **John Griffiths:** So, Cabinet Secretary, do you wish to proceed to a vote on amendment 7?

[124] **Mark Drakeford:** I do, Chair.

[125] **John Griffiths:** Thank you. I move amendment 7 in the name of the Cabinet Secretary. The question is that amendment 7 be agreed. Does any Member object? [*Objection.*] Okay. The question is that amendment 7 be agreed. Those in favour, please raise your hands. Those against, please raise your hands. And no abstentions. Okay. We have seven in favour and one against. Therefore, amendment 7 is agreed.

*Gwelliant 7: O blaid 7, Yn erbyn 1, Ymatal 0.
Amendment 7: For 7, Against 1 Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Bennett, Gareth	Finch-Saunders, Janet
Griffiths, John	
Gwenllian, Sian	
Jenkins, Bethan	
Passmore, Rhianon	
Rathbone, Jenny	
Watson, Joyce	

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

*Cynigiwyd gwelliant 8 (Mark Drakeford).
Amendment 8 (Mark Drakeford) moved.*

[126] **John Griffiths:** I move amendment 8 in the name of the Cabinet Secretary. The question is that amendment 8 be agreed. Does any Member object? [*Objection.*] Okay. The question is that amendment 8 be agreed. Would those in favour please raise their hands? Would those against please raise their hands. And no abstentions. Okay, we have seven in favour and one against. Therefore, amendment 8 is agreed.

*Gwelliant 8: O blaid 7, Yn erbyn 1, Ymatal 0.
Amendment 8: For 7, Against 1 Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Bennett, Gareth	Finch-Saunders, Janet
Griffiths, John	
Gwenllian, Sian	
Jenkins, Bethan	
Passmore, Rhianon	
Rathbone, Jenny	
Watson, Joyce	

*Derbyniwyd gwelliant 8.
Amendment 8 agreed.*

10:19

Grŵp 6: Pwerau i Wneud Gorchmynion (Gwelliant 9)
Group 6: Order-making Powers (Amendment 9)

[127] **John Griffiths:** Group 6 relates to Order-making powers. The lead and only amendment in the group is amendment 9 in the name of the Cabinet Secretary.

*Cynigiwyd gwelliant 9 (Mark Drakeford).
Amendment 9 (Mark Drakeford) moved.*

[128] I move amendment 9 in the name of the Cabinet Secretary and call on the Cabinet Secretary to speak to his amendment.

[129] **Mark Drakeford:** Thank you, Chair. The Constitutional and Legislative Affairs Committee asked that the Government keep section 2(2) in this Bill under review during its passage in front of the Assembly to see whether transitional and saving provisions were still required by the time the Bill reached the statute book. The Government has done that. At the time that the Bill was first presented to the National Assembly, we did not know how the UK Government would commence the Trade Union 2016, and we therefore mirrored provisions in it in our drafting. During the time that the Bill has been in front of the National Assembly, the UK Government has now commenced the Trade Union Act 2016. The powers set out in section 2(2)

are therefore no longer required, and, in line with the recommendation of the Constitutional and Legislative Affairs Committee, I've brought an amendment in front of this committee to remove those powers from the Bill. They are no longer required and I'm very happy to act in the way that the Constitutional and Legislative Affairs Committee recommended.

[130] **John Griffiths:** Okay, are there any other Members who wish to speak? No. Is there anything further you would like to say, Cabinet Secretary?

[131] **Mark Drakeford:** No thank you, Chair.

[132] **John Griffiths:** Do you wish to proceed to a vote on amendment 9?

[133] **Mark Drakeford:** Yes, please.

[134] **John Griffiths:** The question is that amendment 9 be agreed. Does any Member object? [*Objection.*] The question is that amendment 9 be agreed. Will all those in favour please raise their hands? Will all those against please raise their hands? And there are no abstentions. We have seven in favour and one against, therefore amendment 9 is agreed.

*Gwelliant 9: O blaid 7, Yn erbyn 1, Ymatal 0.
Amendment 9: For 7, Against 1, Abstain 0.*

O blaid:

Yn erbyn:

Ymatal:

For:

Against:

Abstain:

Bennett, Gareth

Finch-Saunders, Janet

Griffiths, John

Gwenllian, Sian

Jenkins, Bethan

Passmore, Rhianon

Rathbone, Jenny Rathbone

Watson, Joyce

Derbyniwyd gwelliant 9.

Amendment 9 agreed.

[135] **John Griffiths:** So, may I thank the Cabinet Secretary and his officials for their attendance today? You will be sent a transcript to check for factual accuracy.

[136] That completes Stage 2 proceedings. Stage 3 begins tomorrow. The

relevant dates for Stage 3 proceedings will be published in due course. Standing Orders make provision for the Cabinet Secretary to prepare a revised explanatory memorandum taking account of the amendments agreed today. The revised memorandum will be laid at least five working days before Stage 3 proceedings. Thank you all very much.

*Barnwyd y cytunwyd ar bob adran o'r Bil.
All sections of the Bill deemed agreed.*

Papurau i'w Nodi Papers to Note

[137] **John Griffiths:** Our next item is papers to note, item 3. Paper 1 is a letter to the Chair of the External Affairs and Additional Legislation Committee in relation to the great repeal Bill White Paper. Is committee happy to note paper 1? Yes.

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd Motion under Standing Order 17.42 to Resolve to Exclude the Public

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(vi).

accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[138] **John Griffiths:** Item 4, then, is a motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting. Are Members content to do so? Thank you very much indeed. We will then move into private session.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:23.

The public part of the meeting ended at 10:23.