



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](#)

09/03/2017

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi 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
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	Cyfreithwraig, Llywodraeth Cymru Lawyer, Welsh Government
Mark Drakeford	Aelod Cynulliad, Llafur (Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol) Assembly Member, Labour (The Cabinet Secretary for Finance and Local Government)
Paul Webb	Dirprwy Gyfarwyddwr, Diwygio Gwasanaethau Datganoledig, Llywodraeth Cymru Deputy Director, Devolved Services Reform, Welsh Government

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

Osian Bowyer	Y Gwasanaeth Ymchwil Research Service
Chloe Davies	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser

Elizabeth Wilkinson Clerc
 Clerk

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

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

[1] **John Griffiths:** Let me welcome everyone to this meeting of the Equality, Local Government and Communities Committee. Our first item this morning is item 1: introductions, apologies, substitutions and declarations of interest. We've received one apology from Janet Finch-Saunders, and there are no substitutions. May I declare an interest? I am a member of the Unite trade union and also a member of the Community trade union. Are there any other declarations of interest?

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

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

[4] **Rhianon Passmore:** GMB.

[5] **Sian Gwenllian:** Undeb **Sian Gwenllian:** I'm a member of the Cenedlaethol y Newyddiadurwyr— National Union of Journalists. NUJ.

[6] **Gareth Bennett:** Former member of Amicus.

[7] **John Griffiths:** Okay, thank you all for that.

09:16

**Bil yr Undebau Llafur (Cymru): Sesiwn Dystiolaeth 7—
Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol
Trade Union (Wales) Bill: Evidence Session 7—
Cabinet Secretary for Finance and Local Government**

[8] **John Griffiths:** We will move on, then, to item 2: the Trade Union (Wales) Bill, and evidence session 7. We have Mark Drakeford, Cabinet

Secretary for Finance and Local Government with us this morning. Cabinet Secretary, could you introduce your officials for the record, please?

[9] **Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol (Mark Drakeford):** Bore da, Gadeirydd. Diolch yn fawr. Gyda fi y bore yma mae Paul Webb, sy'n arwain y tîm sy'n gweithio ar y Bil yn y gwasanaeth sifil, a Nicola Charles, cyfreithiwr sy'n gweithio yn y tîm ar y Bil hefyd.

The Cabinet Secretary for Finance and Local Government (Mark Drakeford): Good morning, Chair. Thank you. Here with me this morning are Paul Webb, who's the senior responsible officer for this Bill in the civil service, and Nicola Charles, a lawyer working in the team on the Bill as well.

[10] **John Griffiths:** Diolch yn fawr. Perhaps I could begin questioning, Cabinet Secretary, by asking about the implications for the Government's Bill in the light of the Wales Act 2017 coming into force. Could you explain the implications for this Bill, if enacted, on the reservation of employment and industrial relations in the Wales Act 2017?

[11] **Mark Drakeford:** Well, I think the first thing to say, Chair, is that there are no direct implications for this Bill from the Wales Act, because this Act will be taken forward under the system of devolution that we have had up until now and it will complete its passage in advance of the Wales Act coming into force. Therefore, there is nothing in this Bill that is directly affected by that Act. The Act, however, does change the basis of competence at the Assembly. I'm conceding nothing at all today that we would not be able to do things that we would wish to do beyond the Wales Act, but you will have seen the letter from Ben Gummer at the Cabinet Office, and what he says in the penultimate paragraph of that letter. But those are battles to be fought sometime in the future, should they come our way. As far as the Bill in front of this committee is concerned, it is not changed by the Wales Act.

[12] **John Griffiths:** Okay, thank you for that. Gareth, did you want to come in at this stage?

[13] **Gareth Bennett:** Yes, thanks, Chairman. You referred to the Ben Gummer letter, which we've seen on this committee. So, I think, from the evidence you've given to the Constitutional and Legislative Affairs Committee, you believe it does contain within it a threat of a future repeal, possibly, if the Welsh Assembly does pass this legislation. Is that correct?

[14] **Mark Drakeford:** Well, Chair, you'll have seen the letter. The penultimate paragraph does say that the UK Government will act at the earliest possible opportunity, following commencement of the Wales Act, to ensure the legislation protects our public services.

[15] Well, there are very different ways you could read that paragraph, but I read it as an implicit threat that the UK Government would introduce a Bill at the UK Parliament to overturn the Bill that is in front of this committee today, should this Bill reach the statute book. These are all possibilities for the future, rather than things that are guaranteed to happen. And as I said at the CLAC committee, Chair, it would be my hope that any UK Government that looked at the way in which this Bill had been taken through the National Assembly—properly debated, voted upon democratically, applying only to Welsh public services—would understand the democratic legitimacy of this place and would not seek to act in the way that the Gummer letter could be read as intending.

[16] **John Griffiths:** Okay, thank you for that. Sian.

[17] **Sian Gwenllian:** Yn dilyn o hynny, mi fyddai rhai pobl efallai yn dehongli beth sydd yn mynd ymlaen yn fan hyn fel ymgais gan Lywodraeth Cymru i ddangos i Lywodraeth y Deyrnas Unedig nad ydym yn hapus efo'r ffordd mae'r gwynt yn chwythu, os liciwch chi, o ran yr undebau llafur, ond hefyd o ran datganoli ei hun. A byddai rhai pobl yn eich cyhuddo chi, efallai, o fod yn chwarae gêm yn fan hyn, ac mae bwriad hwn ydy creu rhyw fath o wrthdaro rhyngoch chi a Llywodraeth y Deyrnas Unedig, ac nad anghenion a dyheadau gweithwyr yn y sector cyhoeddus sydd y tu ôl i hyn.

Sian Gwenllian: Following on from that, perhaps some people would interpret what's going on here as an attempt by the Welsh Government to show the UK Government that we're not happy with the way the wind is blowing, if you will, regarding trade unions, but also regarding devolution itself. And some people would accuse you, perhaps, of playing a game here, and that the intention is to create some kind of conflict between you and the UK Government, and that it's not the needs and aspirations of public sector workers that is behind this.

[18] **Mark Drakeford:** Wel, jest i fod yn glir, nid ydym ni fel Llywodraeth yn dod â'r Bil hwn ymlaen jest i drio creu ffræe gyda'r Deyrnas Unedig—

Mark Drakeford: Well, just to be clear, we as a Government are not bringing this Bill forward just to try to cause some sort of conflict with

ddim o gwbl. Beth rydym ni'n ei wneud yw mynd ar ôl beth roedd y Cynulliad diwethaf wedi'i ddweud, pan oedd pleidlais ar lawr y Cynulliad, ar y *legislative consent motion* o dan y Bil a oedd yn mynd trwy'r Tŷ Cyffredin ar y pryd. Jest i fod yn glir—nid ydym ni eisïau gwneud pethau fel yna yma yng Nghymru, mewn maes sydd, yn fy marn i, yn glir o dan reolaeth y Cynulliad Cenedlaethol. So, beth rŷm ni'n ei wneud yw jest bwrw ymlaen i drial creu sefyllfa lle roedden ni'n gallu gwneud pethau yng Nghymru yn y ffordd roedd y Cynulliad Cenedlaethol eisïau i ni ei wneud, ac mewn ffordd a oedd ym maniffesto'r Blaid Lafur yn yr etholiad diwethaf, ac ym maniffesto mwy nag un blaid yn yr etholiad yna.

the United Kingdom Government—not at all. What we're trying to do is pursue what the last Assembly had said, when there was a vote on the floor of the Assembly, on the legislative consent motion under the Bill that was going through the House of Commons at that time. Just to be clear—we don't want to do things like that here in Wales, in an area that is, in my opinion, clearly under the control and competence of the National Assembly for Wales. so, what we're doing is just continuing to try to create a situation where we could do things in Wales in the way that the National Assembly for Wales wanted us to, and in a way that was stated in the Labour Party manifesto in the last election, and the manifesto of more than one party in that election.

[19] **Sian Gwenllian:** Felly, ni fydddech yn derbyn y cyhuddiad yma?

Sian Gwenllian: So, you don't accept this accusation?

[20] **Mark Drakeford:** Na.

Mark Drakeford: No.

[21] **Sian Gwenllian:** Ond a fedrwch chi weld pam y byddai rhai pobl yn meddwl hynny?

Sian Gwenllian: But can you see why some people would think that?

[22] **Mark Drakeford:** Wel, rwy'n gallu gweld pam mae rhai pobl eisïau awgrymu hynny, achos maen nhw eisïau tynnu sylw mas o'r pethau sydd ar y bwrdd, y pwrpas ar y bwrdd, a jest trial perswadio pobl fod beth rŷm ni'n ei wneud yw rhan o rywbeth arall. Ond nid yw'n rhan o rywbeth arall. Rŷm ni jest yn trial

Mark Drakeford: Well, I can see why some people would want to suggest that, because they want to draw attention away from the things that are on the table here, the purpose stated here, and just to persuade people that what we're trying to do is part of another thing. But it's not part of anything else. What we're trying to

gwneud pethau yn y ffordd orau ar do is to do things in the best way for
gyfer ein gwasanaethau cyhoeddus our public services, and in a way
ni, ac mewn ffordd sy'n addas i ni that's appropriate for us in Wales.
yng Nghymru.

[23] **Sian Gwenllian:** Ond mae'n **Sian Gwenllian:** But it's going to be a
mynd i fod yn her, efallai, i gael y challenge, perhaps, to get that
neges yna allan yn glir. Mae o'n message out there clearly. Perhaps it
mynd, efallai, i gael ei ddehongli will be interpreted in a different way.
efallai mewn ffordd arall.

[24] **Mark Drakeford:** Wel, mae e'n **Mark Drakeford:** Well, that's
rhywbeth i ni drial cael y neges something for us to try to ensure that
honno mas i bobl, i esbonio beth rŷm we get that message out to people,
ni'n trial ei wneud yma yn y Bil. to explain what we're trying to do
here in this Bill.

[25] **John Griffiths:** Okay. And Joyce.

[26] **Joyce Watson:** Good morning, Minister. The reason for bringing the
Bill, as I understand it, is to create a good working relationship between
those people who are being represented by trade unions, and, therefore,
saving the industrial action that very often results when those relationships
break down, which ends up costing money and having reduced services. So, I
suppose my question to you is: in the thinking of bringing this Bill forward
for Wales, and the public services therein, was that your intention?

[27] **Mark Drakeford:** Well, I think, Chair, Joyce Watson has captured the
purpose of the Bill very clearly in what she said. I think the only thing that I
would add to what she said is that the Bill is an attempt to preserve the
model we have in Wales today. The UK Government's Act is the Act that tries
to change things. Our Bill seeks to preserve the successful status quo, to
preserve the investment that we have made in Wales on building up the
social partnership model, where we think we can demonstrate its success in
avoiding industrial action, in promoting good industrial relations. We think
the UK Act will make that more difficult in future, that it will introduce
conflictual relationships, where consensual relationships exist today. And our
Bill is designed to prevent those bad consequences occurring here in Wales.

[28] **John Griffiths:** Okay. And Rhianon.

[29] **Rhianon Passmore:** With regard to the line of questioning from Sian Gwenllian, in terms of what is and what isn't within our current legislative competence, are you confident, then, that this Bill, as it is at the moment, moving forward, is within our competence?

[30] **Mark Drakeford:** Yes, we are entirely confident that the Bill is within competence, as the Assembly competences are constructed today. That was the conclusion that the Llywydd came to as well, having weighed up the arguments that lie behind it. I believe the Ben Gummer letter concedes arguments of competence in relation to the Bill, because we know that there was legal advice available to UK Ministers telling them that in attempting to impose their views on Wales, they were on very poor ground indeed legally.

[31] **Rhianon Passmore:** Okay, thank you. Diolch.

[32] **John Griffiths:** Okay. Could I ask—? Sorry, Sian—yes.

[33] **Sian Gwenllian:** Just on that, would it be possible for us to see that legal advice—that would be useful—or a summary of what was being said?

[34] **Mark Drakeford:** Chair, what we don't have is the legal advice itself. What we do have—and I think it is already in the public domain—is the letter that was sent between UK Ministers, which referred to the fact that their legal advice told them that they were in a very weak position in trying to impose their Act on Wales.

[35] **John Griffiths:** Yes, and we have that. Cabinet Secretary, when you first gave evidence to this committee on the Trade Union (Wales) Bill, the UK Act, the Trade Union Act 2016, was about to come into force. On 1 March, the relevant provisions of that Act did come into force, and regulations defining important public services—the ones subject to the 40 per cent threshold provision—also came into force. So, I wonder if you could confirm that the relevant provisions of that UK Act 2016, including those regulations defining important public services for the 40 per cent ballot threshold provision, are now in force here in Wales.

[36] **Mark Drakeford:** Yes, Chair, they are in force here in Wales in relation to the aspects that you've just identified. It means that, if there were to be a dispute in an important public service between now and when this Bill reaches the statute book, then there will be a 50 per cent turnout required amongst eligible members and an additional threshold of 40 per cent of

support for all eligible members in important public services for that action to be legal. Now, we are not aware of any impending disputes in those important public services in Wales at present, but if one were to occur before this Bill reaches the statute book, then those provisions would apply in Wales.

[37] **John Griffiths:** Okay, and finally from me on these matters, Cabinet Secretary, now that the relevant provisions of the UK Act are in force and, indeed, the regulations dealing with important public services, and thus the 40 per cent threshold, does that have any implications now on the drafting of your Bill?

[38] **Mark Drakeford:** We don't believe so, Chair, because our Bill was drafted in anticipation of the UK Government's actions in this regard. The list of important public services is the one that we had expected. I think I rehearsed some of it in front of this committee the last time I was here. The UK Government did publish some skeleton regulations back in January and the 1 March regulations very closely mirror what they published then. So, we don't believe that there is anything that we will need to change in our Bill to take account of the 1 March regulations.

[39] **John Griffiths:** Okay, thank you very much for that. We'll move on, then, to the provisions relating to check-off and Rhianon Passmore.

[40] **Rhianon Passmore:** Thank you, Chair. What does the Cabinet Secretary believe will be the impacts and implications of restricting the current Welsh check-off arrangement in Wales, and if this Welsh Bill is not applied and does not fall through, how can you outline the impacts for Wales in terms of restrictions around check-off?

[41] **Mark Drakeford:** Well, I think, if the restrictions are introduced, it will simply make it more difficult for trade union members wishing to pay their subscriptions to be able to do that in the very routine, very long-standing, very low-key way that check-off represents. Because, Chair, I've been following the evidence that the committee's heard closely, and I think employers have said to you very directly that providing a check-off facility is a very simple, very routine and very administrative facility that they offer for trade unions, but offer for a series of other purposes as well. You can pay directly, in that way, for charitable donations, credit union membership and cycle-to-work schemes. It's all part of the absolutely day-to-day way of working. If you remove it for trade union membership, it will create barriers

to people being trade union members, and if trade unions aren't effective, then the social partnership model fails to be effective as well.

09:30

[42] **Rhianon Passmore:** An in regards to—

[43] **John Griffiths:** Just one second, Rhianon, I just want to explore only one matter, because it's something that featured in the evidence we took, as well. It was that, often, I think, witnesses were talking about the removal of the check-off facility, whereas what the UK Act does, of course, is to only allow it to take place if certain conditions are met in terms of other options for payment, for example, and trade unions meeting the cost. So, it could still continue, subject to those conditions. So, in the light of that, Cabinet Secretary, how would the imposition of the conditions impact on the social partnership?

[44] **Mark Drakeford:** The conditions are designed to make the provision of check-off facilities more difficult. It sets a new set of hurdles in the way of trade unions and employers coming to voluntary arrangements between themselves of a low-key administrative nature that makes trade union membership just more accessible and available to individual workers and in a way that the employers that you've heard from recognise as being valuable to them as employers as well. So, it may not prevent it, but it's designed to put new hurdles—unnecessary hurdles and harmful hurdles—in the way of providing this very simple mechanism. The impact is still the one that I've just described, I believe, to Rhianon Passmore: it would make individual trade unionists have to find alternative ways. That undermines trade unions and that makes the business of social partnership less effective.

[45] **John Griffiths:** Would you then go on, Cabinet Secretary, to cite an impact on public service delivery from those circumstances that you've—

[46] **Mark Drakeford:** That is exactly the chain of argument that we build up here. It always starts with our belief that public services in Wales are best provided, best protected, and best advanced in the future by a strong partnership model in which employers and employees come, as equals, around the table to solve common problems. Barriers to that model make that achievement of those objectives more difficult and, therefore, put the future of our public services under greater strain than would otherwise be the case.

[47] **Rhianon Passmore:** Well, with regard then, Chair, if I may—. In terms of the restrictions that we've already mentioned on numerous occasions, and that you've mentioned the witnesses put to you yourself, the UK Government Act and their narrative are very clear. They say, 'We are presenting more options to the individuals', so how would you outline the impact of that effect, if that were to occur in Wales, in terms of what you've just stated?

[48] **Mark Drakeford:** Let's first of all be clear: no employers are forced to provide check-off facilities, neither are they forced to provide it free of charge. So, these are voluntary agreements that are negotiated locally between trade unions and employers. They are not the only way the trade unions allow members to pay subscriptions. I was thinking about this myself in preparing to come in front of the committee. I've been a trade union member since I was 17. I think, over the years, I must have belonged to five or six different trade unions. I've paid in cash, I've paid in an annual lump sum, I've paid through direct deduction, I've paid through check-off, and trade unions already routinely provide a range of ways in which members can pay their subscriptions, and check-off is one of them.

[49] **Rhianon Passmore:** Thank you.

[50] **John Griffiths:** Sian.

[51] **Sian Gwenllian:** Gan ei fod o'n fater mor fach, a ydy o werth y drafferth i fynd ar ei ôl o, felly? Oherwydd nid ydy o'n gwneud gymaint â hynny o wahaniaeth yn y pen draw, felly mater o egwyddor ydy o, yn fwy na dim byd.

Sian Gwenllian: Since this is such a trivial issue, is it worth the effort of pursuing this? Because it doesn't make that much difference, ultimately, so it's a matter of principle, more than anything.

[52] **Mark Drakeford:** Ie.

Mark Drakeford: Yes.

[53] The UK Government is trying to solve a problem that doesn't exist. You've heard regularly from employers that this is—. Did Steve Thomas of the WLGA not say to you that the term 'de minimis' had been invented for the way in which administrative costs and actions are caught up in providing check-off? It's a problem that doesn't exist, in just the way that Sian Gwenllian has suggested.

[54] **John Griffiths:** Okay. Joyce.

[55] **Joyce Watson:** We did hear evidence, Cabinet Secretary, from the employers' side that they used check-off to identify trade union members that they could approach if they wanted to resolve whatever it was they wanted to resolve, and found it a very useful way of getting to the right people at the right time. So, I suppose my question is: if this was removed as a way of collecting subscriptions, might it not also impact on the ability of employers to be able to know immediately who their trade union members are in a particular department, so that they could head off or engage those people?

[56] **Mark Drakeford:** I thought that it was an interesting point that employers made on exactly that—that check-off means that they have more ready access to information about who are trade union members amongst their employees. Given that they regard proper trade union representation as an asset to them in the running of their organisations, knowing who their trade union members are is a plus for them as employers. Anything that would diminish their ability to identify who those people would be would be an unnecessary barrier in reaping the benefits that they told you they got from constructive relationships with their workforce.

[57] **John Griffiths:** Okay. If there are no further questions on check-off, we will move to facility time and Jenny Rathbone.

[58] **Jenny Rathbone:** Cabinet Secretary, leaving aside the TaxPayers' Alliance, which is a lobbying body intent on reducing the amount of money invested in public services, we have found it quite difficult to tie down the issue of transparency in terms of how much time is used. You told us when you came before the committee before that this information is available for anybody who wants it. Unfortunately, the picture seems to be a lot more mixed than that in that different organisations and different workplaces have different arrangements. Some of them have full-time officials and others have perfectly good arrangements, but they're not able to put any figures on it. In the interests of transparency, is there a way in which we could make this information available without increasing the bureaucracy?

[59] **Mark Drakeford:** Well, I think there are a number of points there, Chair. From memory, when I was answering questions on this last time, we were talking about paid facility time; we were talking about full-time trade union officials, or individuals who had part of their working week paid for in

order to provide those services. What I think the evidence you've heard has demonstrated is that actually a great deal more effort goes into helping provide the sort of social partnership relationships that we are talking about here than simply the trade union official who is paid to provide that. Because I think you've had evidence from employers about that vast range of workplace representatives who do this not on a paid basis at all, but on a voluntary basis—who are providing their time and their resources in work time, out of work time, on an on-call basis, all of which contributes to the web of social partnership that we have been talking about. So, capturing the paid facility time I believe is not a difficulty for employers, and a simple freedom of information request would produce that for any citizen who wanted to see it. Capturing the contribution of that much wider number of volunteers who carry out duties on behalf of trade unions, and contribute in the way that trade unions do, would be harder, and I think that was some of the hesitation that you heard from employers in trying to just give you a figure on the spot.

[60] Let me say this, however, in answer to two other points that Jenny Rathbone has made: first of all, if you wanted to try and capture that much wider range of things, there would undoubtedly be costs in doing so—in tracking all that down and trying to put a numerical figure to it and so on. So, this would not be without a bureaucracy behind it. Secondly, it would be partial. This has been my fundamental objection to this all along—that the UK Government wants to regard facility time always as a cost, as though it has no rewards that come with it and no benefits that flow from it and that any time a trade unionist is provided to carry out their duties is simply a cost to the public purse. So, reporting it in that way, I think, gives a distorted picture of facility time because it requires nobody to report on all the many, many benefits that flow from having people properly able to represent employees and to do so in that partnership model.

[61] **Jenny Rathbone:** So, has the Government considered establishing a cost-and-benefit mechanism? Because obviously employers were pretty universally acknowledging the importance of facility time to get the messages across and to resolve problems before they became big problems.

[62] **Mark Drakeford:** I think this would be my answer: had you had a stream of people coming in front of you to contest the usefulness of facility time, then the case for Government investing money and time and effort into drawing up a cost-and-benefit analysis of it all to demonstrate the outcome in contested territory—maybe that would be worth doing. But when you have

heard unambiguous evidence from employers and employees that this is an investment in obtaining better outcomes for public services, then I don't think the case has been made for diverting scarce Government resources to establishing costs and benefits in an area where nobody has disagreed with the proposition that the investment in facility time pays for itself many, many times over.

[63] **Jenny Rathbone:** Just to wrap this up, obviously, we only found one example of a dispute over facility time in one local authority. Could you just tell us what appropriate checks and balances are in place, across devolved Welsh authorities, to ensure that the amount and cost of facility time taken is fair and reasonable?

[64] **Mark Drakeford:** I know that you've heard of one relatively contemporary discussion that's going on between a local authority and its trade unions about facility time, but actually this is not unusual. Local authorities are under an obligation to provide reasonable facility time, but across Wales, local authorities go back to that agreement, renegotiated with their trade unions—the checks and balances are there and they operate in a relatively routine way. Facility time is not something that is so buried deep in the bowels of local authorities that nobody ever asks the question about the amount of time being provided and whether the nature of the agreement are working. You've heard of the one example at the moment, but we are aware of other examples over the years in which local authorities go back to the table with their trade unions, relook at facility time and update their agreements and so on. So, the checks and balances are there and they operate.

[65] **Jenny Rathbone:** So, if you had a lazy or ineffectual HR department in a particular public sector body, what would the checks and balances be?

[66] **Mark Drakeford:** It would depend on the nature of the organisation. If it were a local authority, then it's for elected members to provide at least the major element of checks and balances. People can ask those questions at any time—these are documents of public record and so on. If it was in the health service, then obviously non-executive members of health boards operate to make sure that the way their organisations are running have facility time agreements that are effective to properly represent the interests of employers as well as employees. There are checks and balances right through the system; they're not ones that don't have a practical impact. They're used and you've heard of an example that's contemporary in that

regard.

09:45

[67] **Jenny Rathbone:** Is there anything you think would be useful to say about the potential threat of the Ministers of the Crown using their reserve powers in the future to cap facility time?

[68] **Mark Drakeford:** As I've said to you, Chair, my major objection to the way that the UK Government Ministers intend to use their reserve powers is that they want to portray facility time to the public as something that is all costs and no benefits. They're silent entirely on the benefits that facility time produces. Yet, you've heard evidence time and again of the things that employers get out of providing facility time to their employees.

[69] You've heard of the way that trade union representatives represent individuals in relation to individual complaints or welfare matters. You've heard how trade unions operate not just on an individual basis but on a whole class basis, for example, in the negotiations over 'Agenda for Change' regrading. You've heard how trade union representatives operate in health and safety fields to help employers to discharge their legal obligations.

[70] You heard evidence from the RCN and from the BMA. When I was the health Minister, I worked very closely with both of them to use their trade union facilities to promote this Government and this Assembly's policy, for example, of improving uptake of flu vaccination amongst nurses and doctors. And you've heard—. Something I've done regularly over recent years is to host an event here in the Assembly, by the Cardiff and Vale Unison branch, which celebrates ideas that are brought forward by front-line workers to improve the services that are provided to patients.

[71] Now, in my mind, a genuine account of facility time would capture all of that and more so that members of the public could see what facility time was costing, but could see the very real return that public services get on that investment as well.

[72] **John Griffiths:** Okay, and Bethan.

[73] **Bethan Jenkins:** My point was to try and turn the argument on its head, because you've mentioned and you've listed all the positives here. So, could you not see it as a way in which to encourage staff that are not members of

trade unions—of which there's a worrying trend, and I think that's another piece of work for us as Assembly Members to do—to exemplify why such facility time is essential, not because they want to be trying to be caught out for using it in such a way? If it's being used for firefighters to be having that additional training, if it's being used for staff to have that upskilling, then surely it can be seen, by staff who have perhaps no idea that that is the case, in a positive way. Why do we have to see it—? You may obviously be cynical of the intentions of the UK Government, but you could always twist it to suit your ends, too, is what I'm trying to say here.

[74] **Mark Drakeford:** I think the point is very well made, Chair. And you'll have heard—as a committee, you heard evidence, I think, from Cwm Taf health board employers that what they wish is that more of their workforce were members of the trade union, because that would mean that those individuals were getting the benefits that come with that, but that as an employer they would be getting the benefits of that as well.

[75] The UK Government's Act is an attempt to suppress all of that information, to pretend that all the benefits that go with trade union membership for public services don't exist. We have an opportunity in our Bill both to ensure that that way of thinking doesn't undermine our public services social partnership model here in Wales, but also to allow for some promotion of the positive benefits of the way that we do things here in Wales, both for individuals who might be members of trade unions but, essentially, for our model of the way in which that membership translates into improved public services, reduced risks of industrial action and disruption. We think we can demonstrate that from the history of the period of devolution.

[76] **Bethan Jenkins:** Sorry, just one more. You wouldn't see that this—. You would say that, because of that intention, there would be no way of looking at this in a different way. You firmly believe that the UK Government would have no intention of seeing the benefits of that information—it would only be used in a negative way, to undermine the sector.

[77] **Mark Drakeford:** The UK Government has no intention of collecting or publishing that information at all. It will only publish the costs of providing the facility time. So, to my mind it's an attempt to suggest to the public that the benefits don't exist, because you haven't bothered to collect them, capture them or publish them.

[78] **John Griffiths:** Okay, and Sian.

[79] **Sian Gwenllian:** Mae hyn yn tanlinellu'r broblem mewn ffordd onid ydy? Hynny yw, nid ydy'r cyhoedd yn deall beth ydy natur yr amser cyfleuster yma ac mae angen cael y drafodaeth yna, rydw i'n credu, achos rydych chi'n dweud bod yr undebau a'r cyflogwyr yn y meysydd lle maen nhw'n gweithio efo'i gilydd yn gweld yn glir beth ydy'r budd sy'n dod o'r amser cyfleuster, ond, yn anffodus, oherwydd y ffordd mae'r wasg, efallai, yn dehongli'r holl sefyllfa—beth bynnag, felly—mae gennym ni job o waith i'w wneud, onid oes, i ddarbwylo'r cyhoedd yng Nghymru bod hwn yn rhywbeth gwerthfawr. A rydych chi'n gweld bod y Bil yma'n cynnig efallai cyfle i ni gael y drafodaeth o gwmpas hyn?

[80] **Mark Drakeford:** Rydw i'n cytuno bod cyfle yn y Bil i wneud hynny, i helpu pobl, y cyhoedd, i ddeall beth sydd y tu ôl i'r Bil. Rŷm ni yn lwcus yng Nghymru, onid ydym ni, bod nifer y bobl sy'n ymuno ag undebau llafur yn fwy nag yn Lloegr, er enghraifft. Mae rhywbeth yn y ffordd rŷm ni'n gwneud pethau yng Nghymru, ble mae'r cyhoedd yn deall pam fyddem ni'n yn ei wneud e yn y ffordd rydym yn ei wneud e, ond dyma gyfle i ni esbonio'n fwy manwl i bobl beth maen nhw'n ei gael mas o'r hyn rydym yn ei roi mewn i'r undebau llafur i wneud y gwaith rŷm ni eisiau iddyn nhw ei wneud.

Sian Gwenllian: This does underline the problem in a way, doesn't it? That is, the public doesn't understand what is the nature of this facility time and we need to have that discussion, I think, because you say that the unions and the employers in the areas in which they work together can clearly see the benefit that comes from facility time, but, unfortunately, due to the way that the press, perhaps, interprets this situation—or whatever—we do have a job of work to do, do we not, to persuade the public in Wales that this is something that is valuable. Do you see that this Bill offers perhaps an opportunity to have the discussion around this?

Mark Drakeford: I agree that there is an opportunity in the Bill to do that, to help people, the public, to understand what lies behind the Bill. We're lucky in Wales aren't we, in that the number of people who join trade unions is greater than in England, for example. There's something in the way that we do things in Wales, where the public do understand why we do things in the way that we do, but this is an opportunity for us to explain in greater detail to people what they get, the benefits they derive, from what we put into the trade unions to do the work that we need them to do.

[81] **John Griffiths:** And Rhianon.

[82] **Rhianon Passmore:** Thank you. In regard, then, to what has just been said, and to be clear: you perceive there to be an ability to cherry-pick data on published facility time, and the evidence that we've received so far to date has shown concern around the fact that that publication will be used in a negative fashion also. In regard to the amount of pro bono work that has been stated here today, and that has been stated previously, there's also been a concern that this could be used against employees negatively. So, in terms of clarifying and summarising what you have said, Cabinet Secretary, you believe that publication of this facility time, if we don't go ahead with the Welsh Bill, will actually be detrimental to industrial relations across Wales.

[83] **Mark Drakeford:** I do think it will be detrimental, Chair. I think it will tell a partial and distorted picture. It will fail to capture the enormous voluntary contribution that is made by trade union members to helping improve our public services in Wales. By focusing simply on costs, with no account at all of benefits, it will be a misleading message that will be conveyed to the public and that undermines the work of social partnership, which, in turn, means that we cannot carry on developing our public services in the way that we would want to in Wales.

[84] **Rhianon Passmore:** Okay, thank you.

[85] **John Griffiths:** Okay, thanks for that. We move on then to the ballot provisions. Gareth Bennett, I believe, has a question.

[86] **Gareth Bennett:** Yes, thanks. I think you're obviously concerned about the UK Government's intention to raise the ballot threshold and I wondered if you could articulate your thoughts on why you think there is no difference between the process of elections and a vote for industrial action.

[87] **Mark Drakeford:** Thank you, Gareth. Well, you've heard others, I think, rehearse this in front of you. One of the objections that is raised to the UK Government's 40 per cent ballot threshold is that it treats the votes that are needed to make strike action legal in a completely different way to other important votes that are taken by citizens. So, very few Assembly Members would arrive here if we had to pass the threshold tests that this UK Government Act sets out for taking strike action in important public services. I think the question that's been raised in front of you is, 'Why did legislatures at Westminster think that standards that they did not apply to themselves

should apply to other people?', and whether that was a fair way of proceeding.

[88] **John Griffiths:** Okay. Let me just ask a few other questions. I'm sure other Members will wish to come in on these matters also. One of the suggestions, Cabinet Secretary, in terms of the UK Trade Union Act, is that what it would do would be to ensure that strike action can only go ahead with a level of support that is proportionate to the disruption that the strike could lead to. Would you like to tell the committee your view on that assertion?

[89] **Mark Drakeford:** Well, Chair, when I was in front of the committee last time, I was able to identify a series of disputes in England that had led to industrial action—with the disruption that that produces in the lives of other citizens—but where we had been able to avoid every one of those outcomes here in Wales because we do things differently. Just to say again, because I think it's an important point to make: all we are asking the UK Government to do is not to impose its way of doing things on the way we would want to do things here in Wales. We're not trying to tell them how they should conduct their industrial relations, and we don't think that they should seek to impose their model on us in Wales when we have a different model that we think is more successful and better able to avoid the consequences for citizens of industrial action.

[90] Now, we think the 40 per cent ballot threshold is actually more likely to make disputes happen than not to happen, and we think you can make that argument on both sides of the equation. If some employers think that the threshold for industrial action has been pushed so high that that possibility for trade unionists effectively no longer exists, it may well make them less willing to come to the table and negotiate, because they think that some of the actions that trade unions might be able to take have now been removed from them. So, the incentive for some employers—not, I hope, employers in Wales, actually—. But, for some employers, the incentive to actually do the hard work of social partnership and to come to a properly negotiated agreement might be less for them. For trade unions, what it may do is push them into having to invest all their energies and activities into achieving these new ballot thresholds, diverting them from being able to put the effort and energy that, in Wales, they will be putting into making social partnership work.

[91] I've always had to emphasise that the social partnership model is not

an easy way of doing things. It actually involves much harder work, in some ways, on employers and employees, to face difficult issues together, to put the problem on the table, to have the difficult conversations that have to be gone through in order to come to an agreement. In some ways, that's much harder to do than just to revert to conflictual relations in which everybody just stands, you know, shouting at each other and doing things in a less constructive way. So, anything that encourages either side to put less energy into constructive problem resolving and instead to have to put energy into finding ways of fighting each other through industrial action does not seem to me to be a sensible way of doing things, and will lead to more strikes not fewer.

[92] **John Griffiths:** Okay. Diolch yn fawr. And Sian.

[93] **Sian Gwenllian:** Rydych chi wedi sôn dipyn am y model partneriaeth gymdeithasol sydd gennym ni yma yng Nghymru—ac rydw i wedi gofyn hyn wrthy ch chi o'r blaen, ond rydw i'n mynd i ofyn eto—efallai bod y model partneriaeth yna'n gweithio yng Nghymru oherwydd bod yna un blaid mewn Llywodraeth a bod yna un blaid yn tueddu i fod yn y mwyafrif yn yr undebau llafur, ac felly mae yna bartneriaeth yn yr ystyr yna yn digwydd yng Nghymru ar hyn o bryd. Ond petai'r sefyllfa'n newid a phetai yna Lywodraeth mwy asgell dde yn dod i rym yng Nghymru—gobeithio wnaiff hynny ddim digwydd—ond petai hynny yn digwydd, a bod mwy o wrthdaro yn cael ei greu oherwydd y sefyllfa yna, tybed a fyddai hi'n briodol wedyn meddwl am gael trothwy uwch cyn bod gweithwyr yn gallu streicio a chreu'r anhrefn yna yn y gwasanaethau cymdeithasol, er enghraifft, ac yn effeithio ar fywydau pobl?

Sian Gwenllian: You have talked quite a bit about this social partnership model that we have here in Wales—and I've asked this of you before, but I'll ask it again—perhaps this model works in Wales because there is one party in Government and there is one party that tends to be in the majority in the trade unions, so there is a partnership happening in that sense in Wales currently. But if the situation were to change and if a more right-wing Government came into power in Wales—hopefully that won't happen—but if that were to happen, and there was more conflict being created due to that situation, would it then appropriate to think about having a higher threshold before workers can strike and create that chaos in social services, for example, and affect people's lives?

10:00

[94] **Mark Drakeford:** Wel, rydw i'n gweld y pwynt ond nid wyf i'n paratoi'r tir yn y Bil hwn am y dyfodol lle mae Ceidwadwyr neu bleidiau o'r dde yn mynd i ddod i rym yma yng Nghymru. **Mark Drakeford:** Well, I see the point but I'm not preparing the ground in this Bill for the future where the Conservatives or other parties from the right are in power here in Wales.

[95] I think we can see, Chair, that the social partnership model has worked through the whole period of devolution, when we've had parties in Government from three different parties here at the National Assembly at different points in that period. It works very well in local authorities, which are under the control of other political parties. There are very successful partnership models to be drawn from in places where different political parties have been in power. The social partnership model works, for example, in the Republic of Ireland very well, where there is a very different political culture.

[96] So, I think the point that Sian Gwenllian makes—that the model works best where you have partners who come to the table with a broadly progressive approach to the way that we do public services—is an important point. We're lucky enough in Wales that, election in and election out, about 75 per cent of the Welsh population supports parties that belong to that broad tradition. The day may come, of course, when people will make different choices and different models at that point may emerge, but this Bill is about the Welsh main stream. It's about the way that we have done things over 20 years nearly, now, of devolution, which has brought to the table different political parties, albeit in that broad way of working, different employers and different trade unions, and I think it helps us to preserve that broadly progressive way of doing things in Wales.

[97] **John Griffiths:** Okay. Perhaps I could ask a few questions around costs, Cabinet Secretary, and, firstly, whether you have now made a more detailed assessment of the costs and benefits associated with disapplying the 40 per cent ballot threshold now that the regulations specifying important public services have come into force?

[98] **Mark Drakeford:** Well, no, Chair, it's not been possible to do that in the week that has elapsed since the regulations came into force, because, as

far as I am aware, there's been not a single practical test of them. There certainly hasn't been one in Wales, but I'm not aware of one anywhere where those regulations have yet been tested. I think there's a very important general point behind your question, however, which is that, inevitably, the costs that we are talking about in this Bill have all been hypothetical from the very beginning, because the whole of the UK Government's regulatory impact assessment was trying to anticipate what the impact of their Act would be. They've almost inevitably not been able to produce actual examples because they were trying to anticipate what the change in the law might mean.

[99] Our RIA has had to try and draw out the hypothetical impact of the law in Wales, based on the hypothetical assumptions made in the UK Government's RIA. So, there'll come a point when those assumptions can be properly tested, and the regulations of 1 March probably are the first point at which that becomes possible. But, in the very brief period of time that has elapsed since they came into force, there's been no evidence—and I'm sure that this committee would want properly evidenced information to come in front of them—. There's been no evidence that we've been able to draw on to test the assumptions that the UK legislation is based upon.

[100] **John Griffiths:** Okay. In the evidence that the committee received from NHS employers, Cabinet Secretary, it was suggested that the cost associated with industrial action in Wales might be significantly higher than the £85,000 estimate in terms of disapplying the 40 per cent ballot threshold. Would you like to tell the committee your view on that?

[101] **Mark Drakeford:** Well, from memory, Chair, I think you had contradictory evidence from NHS employers, with one group saying to you that they thought the costs would be lower than the £85,000, and another group telling you that they thought it would be higher than that. In some ways, I'm afraid it just brings me back to the point that I've just made that, inevitably, when you are dealing with hypothetical costs, everybody is making an estimate of what they think might happen in the absence of concrete experience about it.

[102] Now, in one way, Chair, I could have, I think, laid an RIA in front of you that simply said, 'This Bill is designed to preserve the status quo, and, therefore, there are no costs involved for public services in bringing it forward'. In the end, I felt that it was better to provide illustrative figures for you, albeit ones that, as I say, have had to be derived by a series of steps, so that scrutiny could better be conducted. But the figures are inevitably

illustrative rather than definitive, and that's why I think you've heard some people whose views are that the figure might be higher than it is, just as you've heard from others that the figure might be lower.

[103] **John Griffiths:** Okay, thanks for that. If there are no further questions on these matters—. Oh, did you have—? No. We move on to Joyce and some questions on agency work.

[104] **Joyce Watson:** We know, Cabinet Secretary, that you haven't as yet—or I assume you haven't as yet—made a decision on whether to include the provision in the Bill that prohibits the use of agency workers by devolved Welsh authorities to provide cover during strike action. Are you able to tell us two things: first of all, whether you will be making a decision on that and, when that might be, and, secondly, if you do make a decision to include it, will you be putting that on the face of the Bill?

[105] **Mark Drakeford:** Thank you, Chair. Members will be aware that we published the results of consultation very recently. I am on the brink of making a decision—I hope to make it very shortly. I'm going from this committee to a meeting of the workforce partnership council, which we hold three times a year. This Bill has been on the agenda of the workforce partnership council as part of our social partnership model at every meeting since July 2015, when the UK Bill was first published. So, I want to have an opportunity to hear the views of people around that table on the consultation exercise. But, once I've had a chance to do that today, I hope to move rapidly to making a decision on the outcome of the consultation. I'll certainly do that, Chair, well before this committee has to report, so that you'll know that decision as part of your deliberations.

[106] If I do decide to bring forward proposals within the legislation—Joyce's second question—then, yes, that will be by amendment to the Bill, and it will be an amendment that I would hope to introduce, if I do, at Stage 2, so that there will be an opportunity for this committee to be able to debate it then.

[107] **Joyce Watson:** I forgot the third and probably most crucial question that I was going to ask, and that is that already agency staff are used within public services in Wales, and there have been suggestions—so, I would like some clarity—around whether that would mean that those who are currently employed outside of industrial action will still be able to carry on working, should you apply this to the Bill. How would people be informed of that, so that you didn't end up with a situation where people weren't clear?

[108] **Mark Drakeford:** Thank you, Chair. When I come to make a decision, then what I will look to do will be to apply to the agency worker issues the basic principle that has been applied to the whole of the Bill. In other words, it will be to preserve the status quo, because what the UK—. It's the UK Government's potential proposals that would alter the current arrangements. So, nothing that I would bring forward would alter the way in which agency workers are currently able to be deployed in the NHS and in other public services as an absolutely routine part of the way that employers manage their ability to provide services to the public. If we were to act, it would be just to make sure that the way that things happen today, and happen successfully today, goes on being provided in that way in the future. That will be the message that we will have to get over to workers and to agencies—that they can just carry on doing things in the way that they've done it so far and which, as you will have seen in the consultation exercise, they tell you they think works very well.

[109] **John Griffiths:** Could I ask you, Cabinet Secretary, for clarity, really, whether you already have powers to legislate on the matters of agency workers through the use of secondary legislation?

[110] **Mark Drakeford:** I'm going to defer to somebody who will give you, I hope, a more definitive answer than I would be able to on that.

[111] **Ms Charles:** Well, it would depend entirely on the provision that we were seeking to bring forward. I think the general view is that, as the Cabinet Secretary has said, this is all part of the social partnership model, and is about preserving the social partnership model, so we would expect to be able to justify it as being within competence under that same argument.

[112] **Mr Webb:** Can I just add to that? Existing powers that might exist for direction and so on, if that approach were taken, might lead to a fairly complicated set of arrangements with different applications to different employers, which of itself might create a little bit more of a complicated position that's difficult to understand. So, whilst there may be room within existing legislation, there is some argument, at least, for using a single piece of legislation in order to give a clear picture of the expectations that there would be.

[113] **John Griffiths:** Okay. Sian.

[114] **Sian Gwenllian:** Beth ydy'r **Sian Gwenllian:** What is the situation sefyllfa ar ôl i Ddeddf Undebau Llafur after the Trade Union Act 2016 2016 ddod i fewn i rym, felly? Hynny comes into force? Does that change yw, ydy hynny'n newid pethau? things?

[115] **Mark Drakeford:** I think, just to make sure we've understood the point in the process at the other end of the M4—I'll look to colleagues to make sure I'm giving you this accurately—the UK Government put forward a series of proposals in relation to agency workers, which they have consulted on. They are yet to decide whether or not they will take any action. So, at the moment, nothing is changing in England, but there is potential that it will, and our consultation was designed to see whether we ought to act pre-emptively, in a way, to head off any changes. So, at the moment—

[116] **Sian Gwenllian:** After that, we may not be able to legislate in this area, because it's around employment.

[117] **Mark Drakeford:** Well, what I would say, Chair, is that we are confident that we can do it now. There will be other battles to fight, potentially, and I am not conceding that we couldn't do it in the future, but, as we've got this opportunity, we thought it was sensible to take it while it was in front of the Assembly.

[118] **John Griffiths:** Okay. Could I ask you, as well, to tell the committee, in terms of the general issues around agency workers, Cabinet Secretary, how you believe lifting the restrictions or prohibition on the use of agency workers during industrial action would impact on the social partnership and delivery of public services in Wales?

[119] **Mark Drakeford:** Well, I think the social partnership model is based, essentially, on equal participation. Employers, employees and, when necessary, the Welsh Government as well come to the table on the basis of equal contributions and equal ability to make our views known. Anything that erodes the position of one side in that social partnership and that tilts the balance in favour of one partner against another, I think, undermines that fundamental principle of partnership. If the agency workers prohibition were to be overturned by a UK Government, then I think it would just make those relationships more difficult, and it would introduce resentment, potentially, between agency workers and full-time workers who are pursuing an industrial dispute with their employers. I just see it as creating a new series of potential areas of conflict that counteract the way we would like to do

things here. It hasn't been a problem; you've heard it hasn't been a problem. Trade unionists spend, as you know—. You can imagine, when doctors and nurses go on strike, the enormous efforts they go to to make sure that there isn't harm done to the public. So, I think it would undermine our model in that way.

10:15

[120] **John Griffiths:** Thank you for that. Sian.

[121] **Sian Gwenllian:** A oes yna oblygiadau pellach hefyd, petai yna ddau set o ddeddfwriaeth gwahanol: un yn Lloegr, lle mae gweithwyr asiantaeth yn gallu cael eu defnyddio mewn streic, ond rhywbeth gwahanol yn digwydd yng Nghymru? A ydy hynny'n mynd i greu problemau? A oes goblygiadau i hynny?

Sian Gwenllian: Are there further implications, if there were two sets of different legislation: one in England where agency workers can be used during a strike, but something different happening in Wales? Is that going to create problems? Are there implications in that regard?

[122] **Mark Drakeford:** Mae yna lot o bethau nawr ble nad yw'r goblygiadau yn yr un lle ar bob ochr y ffin. Mae'n creu rhyw fath o achos i fod yn glir gyda'r wybodaeth ac esbonio beth yw'r sefyllfa yma yng Nghymru, ond dyna beth rŷm ni'n ei wneud bob dydd gyda datganoli.

Mark Drakeford: Not more than—. There are several occasions now where the implications are different on both sides of the border. It does create a case for being clear with the information that we put forward to explain what the situation is in Wales, but that's what we do every day with devolution.

[123] **John Griffiths:** Okay. Thanks for that. Are there any other questions on agency workers, or any other matters? Bethan.

[124] **Bethan Jenkins:** I just wanted to take you back to the strike issue, because I forgot to ask it earlier. It was curious to me that, when we took evidence last week, the councillors on the fire authority were firmly in favour of your proposition, but that the managers didn't really take a view. I just want to be assured, before anything goes past this point, that you're comfortable or that you know that most organisations affected by this Bill would be supportive of taking that out of the Bill in terms of the 40 per cent threshold. Because it's the same issue with the Welsh language inquiry that I

face as Chair, in that people will say, 'Yes, this is a great ambition and we support it', but people are not raising the detail of their concern that it may be a problem in practice. So, I just want to be assured that you've talked to as many employers as you can and that you won't face issues down the line where, actually, they say, 'We are supportive of the way that the UK Government are changing this', but they didn't say at the time when we were discussing this new Bill.

[125] **Mark Drakeford:** Well, Chair, I think I can give that assurance and give it quite directly. The workforce partnership council I mentioned earlier has representatives of the employers of all the major public services—certainly all the 'important' public services as they're defined in the UK Government's Act—around that table. This has been, as I said, rehearsed at every single meeting of the council. It's on the agenda again today. I think employers in Wales are very committed to the social partnership model, because they see it works for them, because they haven't had to face strikes in the fire service, in the health service, amongst teachers and so on, which their counterparts across our border have had to manage. So, because they see that, through the effort that goes into it, through the investment that employers, employees and Governments make in it, it's a success. They don't want to put it at risk by the sort of damaging conflictual arrangements that the UK Government's Act puts on the statute book for England.

[126] **John Griffiths:** And finally, I think, Rhianon.

[127] **Rhianon Passmore:** Just, really, a point of clarity in terms of the question in terms of the fire authority from the last committee. They were actually the employers. So, I think they were the contrary voice that you were referring to, Bethan. In terms of the evidence that we have received, Cabinet Secretary, in regard to the protection of social partnership moving forward, how important do you think this Bill will be in terms of protecting the current good relations that we have across Wales?

[128] **Mark Drakeford:** Well, that's what our Bill is designed to do, Chair. As I say, it preserves the status quo as far as the law is concerned, and by preserving that status quo, it allows us to go on investing in the model that we have developed. We think we can demonstrate the advantages that that law has brought to public services and to people who use them in Wales, and by demonstrating our commitment to it—and I hope that it will be a commitment of a number of parties across the Assembly—we will be demonstrating to them our continued commitment to this model as well, and

that's an investment in creating the right conditions for the future.

[129] **John Griffiths:** Okay. Well, thank you very much, Cabinet Secretary, and to your officials for giving evidence to us today. In the normal course of events, you will be sent a transcript to check for factual accuracy.

[130] **Mark Drakeford:** Diolch yn fawr. Thank you very much.

[131] **John Griffiths:** Diolch yn fawr.

10:20

Papurau i'w Nodi Papers to Note

[132] **John Griffiths:** Our next item today, item 3, is papers to note. The first paper is the report by the House of Commons Women and Equalities Committee on ensuring strong equalities legislation after the exit from the European Union. Paper 2 is a letter to the Cabinet Secretary for Communities and Children in relation to poverty in Wales. Paper 3 is a letter to the Cabinet Secretary for Economy and Infrastructure, also in relation to poverty in Wales. Paper 4 is a letter to the Welsh Local Government Association, also in relation to poverty. And then paper 5 is a letter to the Department for Work and Pensions, also in relation to poverty. And then paper 6: a letter from the Minister of State for Immigration in relation to refugees and asylum seekers in Wales. And finally, a letter from the Chair of the Finance Committee to the Cabinet Secretary for Finance and Local Government in relation to the Trade Union (Wales) Bill. Are Members content to note all of those papers?

[133] **Rhianon Passmore:** I'm absolutely content to note them. In terms of the Women and Equalities Committee report, just that we will get a rolling update of where we are at in terms of this committee, in terms of EU legislation on equalities.

[134] **John Griffiths:** Yes.

[135] **Rhianon Passmore:** Okay. Thank you.

[136] **John Griffiths:** We will do that. Okay. We move on then—. Joyce.

[137] **Joyce Watson:** I've also read that with interest, on the equalities

legislation. And I suppose my question would be: moving on, and through the process, will we be looking at a piece of work that falls under our jurisdiction on equalities about potential impacts, in the way that the House of Commons Women and Equalities Committee have, relating to Wales?

[138] **John Griffiths:** Well, I think our work on human rights and equality is obviously relevant, but perhaps Members might wish to discuss these matters more generally in our later session. Is that okay? We'll do that.

10:22

**Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y
Cyhoedd**

Motion under Standing Order 17.42(vi) 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, ac hefyd o'r cyfarfodydd ar remainder of the meeting, and also 15 a 23 Mawrth, yn unol â Rheol the meetings on 15 and 23 March, in Sefydlog 17.42(vi).

accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[139] **John Griffiths:** Item 4 is a motion under Standing Order 17.42 to resolve to exclude the public from the remainder of this meeting, and also from the meetings on 15 and 23 March. On 15 March, the committee will receive briefings in relation to legislation and consider its approach to scrutiny of the Abolition of Right to Buy and Associated Rights (Wales) Bill. On 23 March, the committee will be considering its draft report on the Trade Union (Wales) Bill, and undertaking visits as part of Senedd@Newport. Are Members content to proceed in that way? Thank you very much. Okay, we will 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.