



Llywodraeth Cymru
Welsh Government

PUBLICATION

Workforce Partnership Council meeting: 18 November 2019

Agenda and minutes of Workforce Partnership Council meeting held on 18 November 2019 (12:30-14:30) at Welsh Government, Cathays Park 2 – Caerdydd 1 and 2.

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Agenda

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2. Proposed WPC Agreement on the Use of Non-Guaranteed Hours Arrangements (NGHA)

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6. WPC Joint Statement on the Provision of Paid Leave for Staff Experiencing Domestic Abuse

JEC - Paper

7. WPC Joint Statement on Managing Asbestos in Public Buildings

JEC - Paper

8. Review of WPC minutes/matters arising

Deputy Minister for Housing and Local Government, Welsh Government - paper

1. Introduction and opening remarks

1.1 The Deputy Minister for Housing and Local Government welcomed WPC members to the meeting and confirmed apologies would be noted in the minutes. She welcomed Councillor Barbara Jones, Interim Leader of Caerphilly County Borough Council to her first meeting of the WPC replacing Councillor David Poole. She then thanked the Joint Executive Committee (JEC), the WPC Joint Secretariat and all those organisations they have worked with in producing the papers presented before the WPC for consideration.

1.2 The Deputy Minister confirmed the intention to deliver the Social Partnership Bill within this term of the National Assembly for Wales and that the corresponding white paper had been published for consultation with a deadline of the 2 January 2020. She also confirmed Jo Salway has been appointed to

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lead the new Social Partnership Directorate within the Welsh Government and that she would like her to speak at the next meeting of the WPC on 11 May 2020.

Action

The WPC Joint Secretariat to liaise with Jo Salway to arrange her attendance at the next meeting of the WPC on the 11 May 2020.

2. Proposed WPC agreement on the Acceptable Use of Non-Guaranteed Hours Arrangements (NGHA)

2.1 The Deputy Minister for Housing and Local Government outlined the collective ambition of the WPC to create a fair work environment and to combat exploitative employment practices. She then asked Martin Mansfield to deliver the paper as the JEC lead for this item.

2.2 Martin Mansfield explained that he was presenting this paper in his dual role as a member of the WPC's Joint Executive Committee but also as Secretary for the Trade Union side. He confirmed that the NGHA proposal before the WPC represents an agreed position developed by the JEC to avoid unacceptable use of NGHAs. However, as a representative of the Trade Unions he wanted to await the outcome of the forthcoming general election to see to what extent any new government would provide additional context for the NGHA agreement. He proposed that the agreement should be ratified by those present but that the timing of its publication should be delayed to allow for further consideration in light of this. He requested that the minister's covering letter should provide a context that included the scope of the document and its relationship to other

policies and agreements.

2.3 Whilst understanding the political context of the general election Reg Kilpatrick explained that the proposed NGHA agreement had been agreed by all 3 partners and questioned the benefit of waiting until after the election result. He expressed concern that the work that had gone into creating the NGHA proposal might be lost if there were delays to its final agreement and publication. He suggested the NGHA agreement should be published no later than a week after the election.

2.4 Shavanah Taj supported the good work that had gone into developing the proposal but felt delaying for a week would not allow sufficient time to consider the full intentions of a newly elected government.

2.5 Martin Mansfield emphasised that he was not proposing the NGHA agreement should be renegotiated just that members wait to see the outcome of the current election and to consider any implications.

2.6 Whilst understanding the important political context of the election Chris Llewelyn supported Reg Kilpatrick's concerns over the potential loss of work if there was too much of a delay to publication.

2.7 The Deputy Minister for Housing and Local Government asked the WPC if it was content to ratify the document but delay publication until after the JEC on 16 January 2020 and then publish soon after but by no later than the end of January. Her covering letter would explain the broader context for the agreement. These proposals were accepted by the WPC.

Actions

1. The WPC Joint Secretariat to arrange publication of the WPC Agreement on the Acceptable Use of NGHAs following the meeting of the JEC on the 16

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January 2020 and by no later than the end of January 2020.

2. The WPC Joint Secretariat to ensure the draft Ministerial covering letter for the WPC Agreement on the Acceptable Use of NGHAs explains the broader context of the agreement.

3. WPC report on Workforce Mobility

3.1 The Deputy Minister for Housing and Local Government introduced the paper outlining some of the key findings. She then asked Chris Llewelyn to deliver the paper as the JEC lead for this item.

3.2 Chris Llewelyn explained that the paper reflects the research done to show how “one public service” might be achieved. He ran through the main findings of the report and identified the key barriers to mobility namely: differences in terms and conditions, the inability to port pensions and lack of opportunities. He asked the WPC if they were content with the proposal in the paper that the WPC Joint Secretariat now moves ahead with work to explore action to overcome barriers to successful workforce mobility and the redevelopment of the People Exchange Cymru (PEC) portal, with nominated experts from the partners.

3.3 Richard Tompkins confirmed it was important that the JEC includes in this work some analysis around breaking down the myths surrounding workforce mobility citing as an example the portability of pensions which it could be argued was less of a barrier than previously.

3.4 Donna Hutton agreed with the recommendations in the report and confirmed the Trade Unions would provide the names of expert nominees to work with the WPC Joint Secretariat. She emphasised the importance of work focusing on pensions, parity, fair pay and terms and conditions.

3.5 In answer to Donna Hutton, Reg Kilpatrick said that these areas were legally complex and very expensive to resolve. Nonetheless, the JEC had committed to discuss these issues when it meets later in the week on the 22 November.

3.6 The Deputy Minister for Housing and Local Government asked the WPC if they were content to agree the proposals set out in the paper including publication of the report and these were accepted.

Actions

1. The WPC Joint Secretariat to arrange publication of the WPC Report on Workforce Mobility within the Public Services in Wales.
2. The WPC Joint Secretariat to work with relevant experts from each partner in developing a proposal to support workforce mobility including the redevelopment of the People Exchange Cymru (PEC) portal and actions to overcome the barriers to workforce mobility.

4. WPC report on Fair Work (Pay Transparency and Gender Pay Gap)

4.1 The Deputy Minister for Housing and Local Government outlined the key proposals from the paper and explained that the Deputy Minister and Chief Whip Jane Hutt AM was keen to take them forward. Tanya Palmer was then invited to deliver the paper as the JEC lead for this item. She explained that the paper identified consistency, accessibility and presentation as key issues in the publication of pay data by public service organisations. She then asked the WPC whether they accepted the recommendations of the paper which included that both Employers and Trade Unions be formally engaged in the Welsh Government's review of the public sector equality duty, that data on the gender

pay gap and senior pay is included within the suite of open data accessible via the StatsWales webpage and that the Welsh Government considers further steps to improve the consistency and accessibility of pay data.

4.2 Margaret Phelan thanked partners for making progress on this work. She indicated that the Trade Union Side would like to see the introduction of Statutory Pay Audits relating to the protected characteristics of race, gender and disability.

4.3 The Deputy Minister for Housing and Local Government asked the WPC if it was content to agree and publish the WPC Report on Fair Work (Pay Transparency and Gender Pay Gap). This was accepted by the WPC.

Actions

1. The WPC Joint Secretariat to arrange publication of the WPC Report on Fair Work (Pay Transparency and Gender Pay Gap).
2. The Welsh Government to take forward the recommendations identified in the WPC Report on Fair Work (Pay Transparency and Gender Pay Gap).

5. WPC paper on Menopause Support in the Workplace

5.1 The Deputy Minister for Housing and Local Government outlined the key issue of the paper which was to determine if WPC members felt there was a need for further action to encourage menopause support across public service organisations.

5.2 Tanya Palmer was then asked to deliver the paper as the JEC lead for this

item. She explained that the majority of public service organisations (42 out of 50) have some form of support in place. She recommended the Deputy Minister for Housing and Local Government write to the remaining 8 in her role as Chair of the WPC to encourage them to develop some form of workplace support within their organisations.

5.3 Reg Kilpatrick supported this proposal.

5.4 To further strengthen the support offered to staff experiencing the menopause Tanya Palmer also suggested the WPC recommends the use of the Wales TUC toolkit that organisations can use as a best practice guide.

5.5 Shavanah Taj also recommended the Wales TUC toolkit The Menopause in the Workplace and that this subject be kept under review for future meetings of the WPC.

5.6 Based on these discussions Richard Tompkins suggested the WPC Joint Secretariat now pull together best practice from the work they have carried out (including the Wales TUC Toolkit) and provide to the JEC for approval. If agreed this could then be circulated out to public service organisations.

5.7 The Deputy Minister for Housing and Local Government asked the WPC if they were content with these proposals and they were accepted.

Actions

1. The WPC Joint Secretariat to produce a draft Ministerial letter encouraging the remaining 8 public service organisations to provide workplace support to staff experiencing the menopause.
2. The WPC Joint Secretariat to ensure this subject is kept under review and discussed at a future meeting of the WPC.

3. The WPC Joint Secretariat to develop a best practice document for consideration by the JEC drawing on the findings of their own research and including the Wales TUC Toolkit on workplace menopause support.

6. WPC Joint Statement on the Provision of Paid Leave for Staff Experiencing Domestic Abuse

6.1 The Deputy Minister for Housing and Local Government thanked members for their support in developing the paper for this item which she raised at the last meeting of the WPC on the 1 July 2019. She then asked Reg Kilpatrick to present the paper to the WPC as the nominated JEC lead.

6.2 Reg Kilpatrick emphasised the importance of this subject for all those represented at the WPC and the good work that was already available. He cited guidance that had been developed by UNISON, GMB and the Joint Council for Wales all of which are referenced in the WPC Joint Statement that had been circulated to members. He felt the joint statement should now be issued as a priority with a cover letter from the Deputy Minister for Housing and Local Government.

6.3 Shavanah Taj emphasised the work the Welsh Government's Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) team are doing and the importance of the JEC working closely with them moving forward. She also felt this item should be kept under review and considered at a future meeting of the WPC.

6.4 Reg Kilpatrick confirmed the JEC are committed to working with the VAWDASV to explore what other issues might be identified in supporting staff experiencing domestic abuse in the workplace.

6.5 Richard Tompkins confirmed that the NHS has included a paid leave

provision for staff experiencing domestic abuse within its relevant policies.

6.6 The Deputy Minister for Housing and Local Government emphasised the importance of ensuring Joint Statements and related papers are effectively publicised to promote good work taking place. She then asked the WPC if they were content with the proposals discussed and these were accepted.

Actions

1. The WPC Joint Secretariat to liaise with Welsh Government over issuing the WPC Joint Statement on the Provision of Paid Leave for Staff Experiencing Domestic Abuse with a Ministerial cover letter.
2. The WPC Joint Secretariat to liaise with the Welsh Government's Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) team to discuss what other issues might be identified to support staff experiencing domestic abuse and to bring these back to the JEC for consideration.
3. The WPC Joint Secretariat to ensure this subject is kept under review and discussed at a future meeting of the WPC.

7. WPC Joint Statement on Managing Asbestos in Public Buildings

7.1 The Deputy Minister for Housing and Local Government confirmed that the WPC Joint Statement on Managing Asbestos in Public Buildings had been agreed by the JEC who had also written to Ystadau Cymru to ask them to take forward further work on this subject. She then asked Reg Kilpatrick to present the paper to the WPC as the nominated JEC lead.

7.2 Reg Kilpatrick said that the JEC agreed that a collective set of assurances was required on this issue. He said that Ystadau Cymru have accepted this as a piece of work and responded to the letter from the JEC. Based on this the issue of managing asbestos in public buildings should now be considered as a matter for Ystadau Cymru not the WPC.

7.3 The Deputy Minister for Housing and Local Government confirmed that Mike Payne had been asked to provide more details to Ystadau Cymru over his concerns on this issue and would attend the next meeting in January.

7.4 Martin Mansfield said the Trade Union side agreed that the matter should be dealt with by Ystadau Cymru. However, he was concerned at the tone of a letter from Richard Baker of Ystadau Cymru to the WPC which had been received on 15 November 2019. This stated that health and safety was not devolved with a perceived implication that they could take no further action in this area and highlighted that the trade unions considered this a public health issue, which is devolved. He welcomed the offer of an urgent meeting between Mike Payne and Richard Baker to clarify this matter. He confirmed the Trade Union side are content to see how these discussions progress but that depending on their outcome it may be necessary to bring this subject back to the WPC.

7.5 Reg Kilpatrick apologised that the letter had given such an impression and in discussing the subject with Richard Baker assured members that it was not the intention. He said that responsibilities towards employees is clearly a devolved matter.

7.6 Helen Whyley suggested that issuing the WPC Joint Statement should be reviewed following these discussions and this was accepted by the WPC.

Action

WPC Joint Executive Committee to reconsider the WPC Joint Statement on

Managing Asbestos in Public Buildings following discussions between Mike Payne and Ystadau Cymru.

8. Review of WPC minutes/matters arising

8.1 The Minister for Housing and Local Government asked members if they were content to clear the minutes of the previous WPC.

8.2 This was accepted by the WPC.

8.3 Margaret Phelan asked for a progress update on the one remaining action from the previous meeting relating to agreeing a form of words with FE/HE that would allow them to participate in the WPC.

8.4 Judith Cole apologised for her delay in taking this action forward. Karen Higgins was now taking this forward with FE and HE and she would provide an update in due course.

8.5 Karen Higgins to address the outstanding action with regards FE and HE membership and report back to the WPC in due course.

Attendance list

Cabinet

- Chair - Hannah Blythyn AM – Deputy Minister for Housing and Local Government

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Trade unions

- Martin Mansfield – Wales TUC
- Tanya Palmer – UNISON
- Shavanah Taj – PCS
- Helen Whyley – RCN Wales
- Donna Hutton – UNISON
- Richard Munn – Unite
- Margaret Phelan – UCU Cymru
- Neil Butler - NASUWT

Devolved employers

- Councillor Barbara Jones – WLGA (Political Portfolio Holder)
- Richard Tompkins – NHS Wales Employers
- Chris Llewelyn – WLGA
- Michelle Morris – SOLACE Wales
- Jonathan Lloyd – WLGA
- Alex Howells - HEIW

Welsh Government

- Reg Kilpatrick – Local Government Directorate
- Steve Davies – Education Directorate
- Judith Cole - Local Government Finance and Policy Division
- Andrea Street – Social Services and Integration – Improvement Division

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Workforce Partnership Council - Joint Secretariat

- Karen Higgins – Head of WPC Joint Secretariat

Observers

- Nisreen Mansour – Wales TUC
- Joe Allen – Wales TUC
- Mark Pruce – Welsh Government
- Richard Mulcahy – Welsh Government
- Charlotte Cosserat – Welsh Government
- Katherine Hatch – Welsh Government
- Natalie Priday – Welsh Government
- Natalie Stewart – Welsh Government
- Sarah Abraham – WPC Joint Secretariat
- Mark Lewis – WPC Joint Secretariat
- Ceri Williams – WPC Joint Secretariat

Apologies

- Mike Payne – GMB
- Dominic MacAskill – UNISON
- Kelly Andrews – GMB
- David Evans - NEU
- Joanne Oak – Social Care Wales
- Julie Rowles – NHS Workforce/OD Directors Group
- Albert Heaney – Social Services and Integration – Welsh Government
- Helen Arthur – Health and Social Services Directorate – Welsh Government
- Peter Kennedy – HR – Welsh Government

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- Sam Huckle – Employability and Skills – Welsh Government
- Simon Smith – Fire and Rescue Services
- Tracy Myhill – NHS Chief Executive

Actions log

1. The WPC Joint Secretariat to liaise with Jo Salway to arrange her attendance at the next meeting of the WPC on the 11 May 2020. (WPC Joint Secretariat).
2. The WPC Joint Secretariat to arrange publication of the WPC Agreement on the Acceptable Use of NGHAs following the meeting of the JEC on the 16 January 2020 and by no later than the end of January 2020 (WPC Joint Secretariat).
3. The WPC Joint Secretariat to ensure the draft Ministerial covering letter for the WPC Agreement on the Acceptable Use of NGHAs explains the broader context of the agreement (WPC Joint Secretariat).
4. The WPC Joint Secretariat to arrange publication of the WPC Report on Workforce Mobility within the Public Services in Wales (WPC Joint Secretariat).
5. The WPC Joint Secretariat to work with relevant experts from each partner in developing a proposal to support workforce mobility including the redevelopment of the People Exchange Cymru (PEC) portal and actions to overcome the barriers to workforce mobility (WPC Joint Secretariat).
6. The WPC Joint Secretariat to arrange publication of the WPC Report on Fair Work (Pay Transparency and Gender Pay Gap) (WPC Joint Secretariat).
7. The Welsh Government to take forward the recommendations identified in the WPC Report on Fair Work (Pay Transparency and Gender Pay Gap) (Welsh Government).

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8. The WPC Joint Secretariat to produce a draft ministerial letter encouraging the remaining 8 public service organisations to provide workplace support to staff experiencing the menopause (WPC Joint Secretariat).

9. The WPC Joint Secretariat to ensure this subject is kept under review and discussed at a future meeting of the WPC (WPC Joint Secretariat).

10. The WPC Joint Secretariat to develop a best practice document for consideration by the JEC drawing on the findings of their own research and including the Wales TUC Toolkit on workplace menopause support (WPC Joint Secretariat).

11. The WPC Joint Secretariat to liaise with Welsh Government over issuing the WPC Joint Statement on the Provision of Paid Leave for Staff Experiencing Domestic Abuse with a ministerial cover letter (WPC Joint Secretariat).

12. The WPC Joint Secretariat to liaise with the Welsh Government's Violence Against Women and Domestic Abuse (VAWDA) team to discuss what other issues might be identified to support staff experiencing domestic abuse and to bring these back to the JEC for consideration (WPC Joint Secretariat).

13. The WPC Joint Secretariat to ensure this subject is kept under review and discussed at a future meeting of the WPC (WPC Joint Secretariat).

14. WPC Joint Executive Committee to reconsider the WPC Joint Statement on Managing Asbestos in Public Buildings following discussions between Mike Payne and Ystadau Cymru (Joint Executive Committee).

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