



Llywodraeth Cymru  
Welsh Government

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# Workforce Partnership Council meeting: 29 March 2023

Minutes of the Workforce Partnership Council meeting held on 29 March 2023 (10:00 – 11:30am) via Teams.

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# CYNGOR PARTNERIAETH Y GWEITHLU WORKFORCE PARTNERSHIP COUNCIL

## Agenda

Item	Agenda item	Lead		Style
1	Introduction	Welsh Government	Deputy Minister for Social Partnership	Verbal
2	Update on the Social Partnership and Public Procurement (Wales) Bill and Social Partnership Forum	Welsh Government	Deputy Minister for Social Partnership	Verbal
3	Equalities Action Plans – context	Wales TUC	Rhianydd Williams	Verbal
4	Review of the WPC Agreement on the Acceptable use of Non-Guaranteed Hours Arrangements (NGHAs)	JEC	Richard Tompkins on behalf of the JEC	Paper
5	Four Day Working Week – Working Group	Welsh Government	Stephen Layne	Paper
6	One Welsh Public Service – update	Welsh	Welsh	Verbal

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Item	Agenda item	Lead		Style
		Government	Government official	
7	WPC Work Plan - update	JEC	Bethan Thomas on behalf of the JEC	Paper
8	Minimum Service Level Bill	Welsh Government	Deputy Minister for Social Partnership	Verbal
9	WPC minutes/matters arising	Welsh Government	Deputy Minister for Social Partnership	Paper
10	Ystadau Cymru – Asbestos report	Welsh Government	Richard Baker	Paper to note

## Item 1: Introduction

1. The deputy minister for Social Partnership (Chair) welcomed new members of the WPC to the meeting and thanked those that had now left for their previous involvement in the council. The deputy minister wished Richard Tompkins a happy retirement, outlined the agenda and confirmed apologies would be recorded in the minute. Before proceeding to the agenda, she reminded members to continue promoting the social partnership newsletter through their

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networks.

## **Item 2: Update on the Social Partnership and Public Procurement (Wales) Bill and the Social Partnership Forum**

2. Before this agenda item was able to progress, Richard Munn (Unite) came in to indicate that he felt it necessary to make a statement at this point on the agenda on behalf of the trade unions regarding the Welsh Government and recent industrial action across Wales. He said that the trade unions felt social partnership had not been working over the last 6 months as a consequence of the industrial action. Richard outlined the extent of industrial action that had taken place over this period and his view that Welsh Government had not responded to the situation with enough urgency.

3. Richard said that the trade unions had felt excluded from discussions and stated that there had been less strike activity in England under the Conservative government. He said that meetings such as the WPC held no relevance to the trade unions if workers could not see the benefits of social partnership and called on the Welsh Government to put in place measures to improve the situation. He said that Welsh Government would have to acknowledge the seriousness of the issue and that unless this was done social partnership would fail to have meaning.

4. Darren Williams (PCS) supported the comments made and outlined the extent of industrial action taking place for the areas he represented. He stressed disappointment at recent pay negotiations with Welsh Government in the context of the cost-of-living crisis and explained that whilst there had been a sympathetic response to trade union concerns from the First Minister, it was felt there was no willingness to engage in further discussions.

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5. The deputy minister acknowledged the trade union views and the challenging context for all concerned that had existed over the last 6 months. The deputy minister confirmed she would take up these issues outside of the meeting. She went on to emphasise that the Social Partnership and Public Procurement (Wales) Bill does not legislate on industrial relations as these are outside the Welsh Government's devolved powers.

6. Returning to the agreed agenda, the deputy minister confirmed the Bill had passed its final scrutiny stage in the Senedd on the 14 March. She explained that it had now entered a four-week period of intimation during which time the Attorney General might refer it to the Supreme Court of the United Kingdom but that if no referral was made, it was anticipated the Bill would become law within the next couple of months. The deputy minister thanked social partners for their contributions and explained that the Social Partnership Forum was scheduled to meet again on the 25 April. She stressed the importance of continued social partner involvement in its discussions.

7. Bethan Thomas (Unison) welcomed the passing of the legislation emphasising how it could develop a new dialogue regarding social partnership and help test different ways of working moving forward. She expressed disappointment that the wording of the Bill did not go further but acknowledged that this was due to the constraints of the constitution and the need to remain within Welsh Government competence.

8. Neil Butler (NASUWT) reiterated Bethan Thomas' comments but referenced the fact that schools were not included as designated bodies within the provisions of the Bill. He emphasised how the benefits of social partnership promoted in the Bill needed to be better understood and communicated to the education sector.

9. Shavanah Taj (Wales TUC) welcomed the passing of the Bill and explained that a discussion with officials had been scheduled to talk about schools within the broader context of the legislation. She felt broader discussions had taken

place too late for schools to be included in the Bill itself. She confirmed that Wales TUC had been developing a training module for trade union personnel to ensure the legislation was fully utilised. Shavanah stressed the importance of social partnership in helping to minimise future industrial action.

10. Phillip Markham (UCU) suggested the Welsh Government make a statement highlighting the importance of schools as well as further and higher education institutions adhering to the purpose of the Bill. He felt this would be helpful in bolstering future relationships.

11. Neil Butler (NASUWT) supported the suggestion from Phillip Markham but felt stronger signalling was required from the Welsh Government. He stressed the view that there had been a refusal to include schools within the provisions of the Bill rather than discussions having taken place too late. Neil referenced a previous commitment by officials to discuss social partnership in schools within the broader context of the Bill and asked for this to take place.

12. The deputy minister explained that once the Bill had received anticipated Royal Assent the Welsh Government would be in a better position to promote the benefits of the legislation to other sectors, including the use of best practice examples. She acknowledged the previous commitment to discuss schools and asked officials to arrange this within the Schools' Partnership Forum. Acknowledging concerns over the limits of some parts of the Bill, the deputy minister confirmed Welsh Government would work with social partners to use all levers available to progress its aims.

13. Rosie Lewis (Unison) echoed Neil Butler's concerns regarding the Bill and asked for a clearer understanding of what social partnership could achieve through the Schools' Partnership Forum so employers understood the expectations on them within this sector.

14. Owain Lloyd (Welsh Government) referenced a discussion the previous week with Neil Butler on this issue and reiterated that the appropriate forum for

discussing further would be the Schools' Partnership Forum. Owain explained that the forum had not yet received a written proposal from the trade unions outlining their concerns but welcomed further discussion which would necessarily involve relevant employers. He invited trade unions to submit a written proposal to the forum so more detailed discussions could then take place.

15. Chris Llewelyn (WLGA) supported Owain Lloyd's comments and felt the Schools' Partnership Forum would be the appropriate forum to discuss the issue in a productive way with all social partners.

## Action

The trade unions to submit a written proposal to the Schools' Partnership Forum detailing their concerns regarding social partnership working within schools set against the broader context of the Social Partnership and Public Procurement (Wales) Bill.

## Item 3: Equalities Action Plans – context

16. The deputy minister for Social Partnership emphasised that equality in the workplace was a key part of the Welsh Government's commitment to delivering a fair work nation and was referenced in all of its key Equalities Action Plans. The deputy minister highlighted that the Welsh Government's plans were also a defined part of the WPC's Short-Term Work Plan and that it was important for the Council to build upon existing good practice in supporting these. She confirmed that it was proposed a scoping exercise be conducted with social partners to better understand the full range of training, policy guidance and good practice that was currently in place. The deputy minister invited Rhianydd Williams from Wales TUC to provide some of the broader context for this work.



17. Rhianydd confirmed that on the 22 March Wales TUC launched their most recent toolkit on sexual harassment **Wales TUC – Sexual Harassment in the Workplace** which had received positive endorsement from a range of organisations. To emphasise the seriousness of the problem she explained how sexual harassment impacted across different demographics such as gender, race, disability, and sexual preference; she especially highlighted the dangers presented to black women who were the most likely to be working irregular shifts under non-guaranteed hours arrangements where behaviours were less well monitored.

18. Rhianydd outlined the training currently being developed for trade union representatives by Wales TUC to create non-discriminatory cultures in the workplace. To provide broader context, she highlighted the Welsh Government's work on equalities and the role the trade unions had played in developing this. Rhianydd also referred members to the Wales TUC's workplace toolkit on the menopause which had been endorsed previously by the WPC and which resulted in positive outcomes for a number of individual members of staff. She concluded by sharing a variety of Wales TUC toolkits with members and asked them to consider how they could personally act on these and build their relationships with the trade unions.

19. Councillor Anthony Hunt welcomed the presentation and suggested a further discussion took place at the next meeting of the Joint Council for Wales (JCW). He also offered to share the sexual harassment toolkits with local authority HR networks.

20. Rhianydd Williams welcomed the opportunity to speak at the JCW.

21. Ruth Brady (GMB) supported the toolkit and emphasised the importance of embedding it into workplace structures. As an example, she outlined historical attempts to embed menopause guidance into the workplace and the length of time it had taken to achieve this.

22. Kelly Andrews (GMB) highlighted the benefits of promoting the menopause toolkit in male dominated workplaces and thanked TUC for its work in this area.

23. The Deputy Minister for Social Partnership also offered her thanks to Wales TUC for their work and confirmed that the WPC was content to continue promoting their various toolkits through its networks.

## **Action**

Devolved employers representing local government on the WPC to arrange for Rhianydd Williams to attend the next meeting of the Joint Council for Wales (JCW).

## **Action**

The WPC Support Team to provide links to the Wales TUC's various toolkits so these can be disseminated through social partner networks by members.

## **Item 4: Review of the WPC Agreement on the Acceptable use of Non-Guaranteed Hours Arrangements (NGHAs)**

24. The deputy minister explained that the review into the WPC's Agreement on the Acceptable use of Non-Guaranteed Hours Arrangements (NGHAs) had revealed a number of important findings that needed further investigation; this included considering the implications of this research on any future review of the WPC's agreement on the Principles for Managing the Transition to a Digital Workplace. The deputy minister invited Richard Tompkins to provide a more

detailed update on behalf of the JEC.

25. Richard Tompkins (NHS Wales Employers) confirmed that the agreement was introduced in 2018 and had been republished in 2020 with the aim of ensuring NGHAs were used equitably across the devolved services. He explained that the review was conducted via a survey, set around ten questions (designed in social partnership) and issued to fifty public sector organisations. Richard confirmed that just over half of the organisations responded but that despite this it was clear there were gaps in how the agreement had been interpreted and implemented.

26. From the results, Richard explained that there was an identified need to better understand how NGHAs were being used across the devolved services as well as greater clarity regarding how WPC agreements were being cascaded through organisations. He highlighted the need for a communications drive and the importance of reviewing next steps regarding the Principles for Managing the Transition to a Digital Workplace at a future JEC.

27. Kelly Andrews (GMB) expressed disappointment with the response rate and the number of organisations that did not have a clear NGHA policy in place. She highlighted problems with the definition of NGHAs and their prolonged use by some local authorities. Kelly emphasised that the purpose of the agreement was to promote a fair use of NGHAs with the aim of creating more sustainable employment for individuals in the longer term. She felt more work needed to be conducted to inform further discussions at the JEC over implementation of the agreement.

28. Shavanah Taj (Wales TUC) highlighted the importance of this work and the need for further exploration over the use of NGHAs within the context of the pandemic and its legacy on employment practices. She stressed the importance of better understanding the pathways to progressing into more permanent forms of employment from NGHAs.

29. Richard Tompkins acknowledged the problems that had been highlighted in trying to create greater clarity for all concerned.

30. Karen Higgins (WLGA) suggested that in the future the WLGA could be utilised to increase response rates from local authorities to survey work conducted by the WPC Support Team. She also encouraged trade unions to raise their concerns directly with local authorities through established mechanisms.

31. The deputy minister welcomed further discussions at the JEC regarding the NGHAs agreement and related matters. She asked WPC members if they were content to agree the recommendations in the paper for this item.

32. The WPC formally agreed these.

## **Action**

WPC members to promote a communications drive through their networks to help promote a clearer understanding of NGHAs.

## **Action**

WPC members to further explore how agreements have been cascaded within their organisations and feed these back to their JEC representatives for further discussion at this Forum.

## **Action**

That the JEC further reviews the WPC's agreement on the Acceptable use of NGHAs at a future meeting and then discusses next steps regarding the review

of Principles for Managing the Transition to a Digital Workplace.

## Item 5: Four Day Working Week – Working Group

33. The deputy minister clarified that the purpose of this item was for the WPC to agree to the establishment of a 4 Day Week Working Group. She highlighted previous calls for the Welsh Government to establish a pilot in this area and earlier discussions that had taken place within the JEC. She invited Stephen Layne, Welsh Government Deputy Director for Fair Work, to update on the item.

34. Stephen Layne confirmed that the related paper for this item asked the WPC to agree 3 issues: the establishment of a working group to explore the 4-day working week, membership for the group and that the group should report its findings to the next WPC on the 8 November. Stephen outlined previous calls by the Senedd for the Welsh Government to conduct a pilot on the 4-day week in part of the devolved services. He highlighted the complexity of a number of issues in this area and the need for a working group to further explore these.

35. Darren Williams (PCS) welcomed the paper and its proposals. He outlined the general interest in this area and the benefits of developing fairer working practices underpinned by technology. Darren recognised some of the complexities of this issue across different types of work and stressed the importance of the Working Group exploring these in more detail.

36. The deputy minister asked the WPC if they were content to agree to the establishment of the Working Group and the related recommendations within the paper.

37. The WPC formally agreed these.

## Action

The WPC Support Team and relevant officials to progress the establishment of the 4 Day Week Working Group including membership.

## Action

The WPC Support Team to add the Four Day Working Week as a new item on the WPC Work Plan.

## Action

The WPC Support Team to ensure a report on the progress of the Working Group is submitted for the next WPC on the 8 November.

## Item 6: One Welsh Public Service – update

38. The deputy minister explained that it had been agreed at the last meeting of the JEC that an update would be provided on the One Welsh Public Service (OWPS) approach. She invited James Burgess, Welsh Government Deputy Director for the Cost-of-Living Crisis Response to update on the item.

39. James Burgess outlined the historical use of the OWPS concept. He explained that Wales had a strong history of working collaboratively across devolved services which had been underpinned by the creation of the Well-being of Future Generations Act. James outlined the Welsh Government's own workstream for OWPS but stressed that key to this was developing the agenda with social partners. He confirmed a working group had been established with

social partners to better understand many of the issues related to OWPS.

40. James explained that defining OWPS had proven difficult since it possessed multiple meanings for different organisations. As a result, establishing a clear definition had been prioritised in order to underpin the development of a related workplan. He stressed the importance of OWPS being understood by staff at all levels and highlighted how the effectiveness of collaborative working had been demonstrated during the pandemic. James confirmed the working group would look to identify key areas of common purpose to improve outcomes and welcomed providing further updates to the WPC in November.

41. Jess Turner (Unison) supported the development of the work and emphasised the importance of understanding OWPS from the point of view of a public sector worker. She stressed the long-term benefit of developing OWPS but acknowledged that more immediate work had to be prioritised including understanding and removing organisational barriers, identifying key areas of collaboration, and developing a consistent approach across services.

42. James Burgess welcomed the trade unions' comments and agreed that understanding OWPS from a public service workers' perspective would be key to developing the approach.

43. The deputy minister confirmed the WPC's agreement to receive a further update on OWPS when the Council next meets on the 8 November.

## Action

The WPC Support Team to ensure a further item on One Welsh Public Service is included on the agenda for the next meeting of the WPC scheduled for the 8 November.

## Item 7: WPC Work Plan - update

44. The deputy minister explained that the JEC had been progressing the WPC Short-Term Work plan following its approval by the council on the 9 November. She confirmed the JEC had agreed key activities for each strand of the plan and designated leads. The deputy minister explained that the plan currently included an annex detailing the support provided by the Welsh Government for the cost-of-living crisis but that early indications from members had suggested this could be removed as it was felt this was being developed across a range of alternative forums. The deputy minister invited Bethan Thomas (Unison) to provide an update on the WPC Work Plan on behalf of the JEC.

45. Bethan Thomas emphasised that the purpose of the workplan was to focus on a set of well-defined, cross-sectoral deliverables aligned to the Programme for Government. She stressed the importance of working in social partnership outlining the different strands of the Work Plan, the key actions under each and their nominated JEC leads. Bethan confirmed that the trade unions felt the cost-of-living crisis could be removed as one of the work strands as this was being addressed through alternative forums.

46. The deputy minister asked if the WPC Work Plan was agreed by members including the removal of the cost-of-living crisis strand.

47. This was agreed by the WPC.

### Action

The WPC Support Team to remove the cost-of-living crisis strand from the WPC Work Plan and ensure a further update on this work is provided to the WPC when it next meets on the 8 November.



## Item 8: Strikes (Minimum Service Levels) Bill

48. The deputy minister confirmed the WPC Support Team had circulated the Written Statement, the letter from the First Minister to the UK government and the Legislative Consent Memorandum (LCM) that had been laid before the Senedd regarding the Minimum Service Levels Bill. She confirmed the Counsel General's letter to the UK government had also been shared. The deputy minister stated the Welsh Government's opposition to the Bill which it felt was unnecessary, representing an unjustified attack on workers' rights and trade unions. She added that it had been rushed, was ill-conceived and lacking in detail to the extent that it was unlikely to resolve industrial disputes and might sour industrial relations in all parts of the UK.

49. The deputy minister explained that a number of devolved public services for which Welsh Ministers were accountable were in scope of the Bill and that it was not acceptable that a UK minister should have the power to set minimum service levels in relation to these areas. She shared the concerns voiced by trade unions and others about the efficacy and impact of the Bill and confirmed Welsh Government was exploring all options to protect devolved public services from its impact. The Deputy Minister explained that the debate on the LCM would take place next month (25 April). In the meantime, she confirmed the Bill was continuing its legislative journey through the UK Parliament with the second committee day taking place on 23 March.

50. Shavanah Taj (Wales TUC) explained that their General Council Executive had met earlier in the week to discuss the Bill and confirmed trade union support for the position adopted by the Welsh Government. Shavanah confirmed that the Bill had been debated at the House of Lords on the 23 March and that Baroness Randerson had introduced an amendment to remove Wales and Scotland from the Bill; this was opposed by the UK government. She explained that the trade unions would discuss this matter further with their senior leadership to ensure the TUC at a UK level also adopts an agreed position. To conclude, Shavanah

confirmed safe levels of cover were already provided for areas such as the NHS and re-emphasised that the Bill was unnecessary.

51. Stephen Layne (Welsh Government) explained that it was likely the report stage of the Bill would take place after Easter and outlined cross party concerns within Westminster regarding its provisions. He emphasised that basic issues such as what constitutes minimum service level provision are not defined in the Bill, creating a number of serious concerns. Stephen confirmed the UK government were still committed to introducing the Bill with the aim of the Bill completing its passage through Parliament by early May and outlined some of the on-going consultations with different sectors. He suggested it was for trade unions, employers, and others to decide whether and how they may wish to engage in these consultations, but the position of the Welsh Government had been made clear to the UK government.

52. The deputy minister confirmed the Welsh Government would continue to liaise closely with social partners on the Bill.

## **Item 9: WPC matters arising**

53. Due to timescales this item was not covered at the meeting but an update on actions arising was provided as a paper from the WPC Support Team to members.

## **Item 10: Ystadau Cymru – Asbestos report**

54. The deputy minister explained that following the JEC meeting held on the 27 January it had been agreed that a paper to note would be submitted to the WPC outlining current work by Ystadau Cymru's Asbestos Management Sub-Group.

She invited Richard Baker, Welsh Government Deputy Director, Land Division to present the item.

55. Richard Baker confirmed a series of recent surveys conducted by the Sub-group had demonstrated satisfactory levels of asbestos management provision across public services. He highlighted good provision within local authorities and the NHS but noted a more variable picture for Town and Community Councils (TCCs).

56. Richard outlined the complexities of understanding who was responsible for asbestos management and continuity of service within organisations and confirmed more work was needed to address gaps in provision. He explained that training was being developed for relevant personnel with a specific focus on TCCs. Richard outlined some of the questions contained in the surveys and confirmed the Minister for Finance and Local Government had written to public sector Chief Executives outlining the work of Ystadau Cymru on asbestos management.

57. Shavanah Taj (Wales TUC) welcomed the creation of asbestos management registers for organisations and stressed the importance of this work.

58. The deputy minister confirmed the WPC was content to keep members updated on the progress of Ystadau Cymru's Asbestos Management Sub-group.

## Action

The WPC Support Team to monitor the provision of further updates from Ystadau Cymru's Asbestos Management Sub-group to the WPC.

# Attendance List: WPC – 20 March 2024

## Minister

- Chair - Hannah Blythyn MS – Deputy Minister for Social Partnership

## Trade unions

- Shavanah Taj – Wales TUC
- Bethan Thomas – Unison
- Ruth Brady – GMB
- Jessica Turner - Unison
- Rosie Lewis - Unison
- Kelly Andrews - GMB
- Nathan Holman - GMB
- Philip Markham – UCU
- Richard Munn – Unite
- Neil Butler – NASUWT
- Darren Williams – PCS

## Devolved employers

- Councillor Anthony Hunt – WLGA
- Chris Llewelyn - WLGA
- Karen Higgins - WLGA
- Peter Kennedy - Devolved Sector Group
- Richard Tompkins - NHS Wales Employers
- Huw Jakeway – Fire and Rescue Service

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## Welsh Government

- Reg Kilpatrick - Covid Recovery and Local Government
- Jo Salway - Social Partnership, Employability and Fair Work
- Owain Lloyd – Education Directorate
- Neil Surman - Social Partnership, Employability and Fair Work
- Judith Cole – Local Government

## Guest speakers

- James Burgess – Welsh Government
- Stephen Layne – Welsh Government
- Richard Baker – Welsh Government
- Rhianydd Williams – Wales TUC

## WPC Support Team

- Mark Lewis – WPC Support Team, Welsh Government
- Angharad Steele – WPC Support Team, Welsh Government
- Gerwyn David – WPC Support Team, Welsh Government
- Lauren Goulder – WPC Support Team, Welsh Government

## Observers

- Sharon West - Welsh Government
- Amber Courtney – Welsh Government
- Martin Mansfield – Welsh Government
- Emma Waldron - Welsh Government
- Isabel Mortimer - Welsh Government

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- Lisa Walters – Welsh Government
- David Hooson – Special Advisor
- Beca Davies - Welsh Government
- Ceri Williams – Wales TUC
- Nisreen Mansour – Wales TUC
- Jessica Khoshooee - Unison

## Apologies

- Helen Arthur - Welsh Government
- Albert Heaney - Welsh Government
- Sam Huckle – Welsh Government
- Darren Dupre – Unison
- Julie Rowles – NHS Workforce/OD Directors Group
- Mark Hackett – NHS Chief Executive
- Robert Thomas - Society of Local Authority Chief Executives (SOLACE)
- David Michael – Devolved Sector Group

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