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**Welsh Congress 2021**

**General Council Statements**

GC Statement 1

**Wales TUC commission on standards at work and devolution**

Where and how decisions by governments on the world of work are made matters, especially those relating to terms and conditions, pay and training.

How much involvement is given to unions in influencing these decisions is vitally important.

In Wales, during the pandemic we saw unions given an important role in decision making in protecting the country in a time of crisis. This led to better decisions than would otherwise have been the case.

We are living through a period of significant change. The UK government has recently published its legislative programme. The Welsh government has just renewed its mandate and has a manifesto to implement. The General Council notes that it

The potential legislative and policy programme of the Welsh and UK governments for the next two years includes the following subjects:

* freeports
* procurement reform
* social care
* a Welsh social partnership bill
* implementing fair work in Wales
* a promised UK delayed employment bill
* calls by the Welsh government to devolve the Health & Safety Executive
* a new funding mechanism for work-based learning and skills

Across these policy areas and planned legislation, it will be critical for trade unions to understand the scope of the law as it relates to Wales. This highly technical area will make a significant material difference to workers in Wales. Decisions taken by the Welsh and UK governments – and the scope of their powers - will have a very significant effect on workers in Wales. Congress re-iterates its call for the current Wales exemptions under employment law are extended to allow the Welsh government to legislate fully on fair work.

Furthermore, whether desired or not, Wales and the UK face a period of volatility regarding the constitution. Several situations face us including:

* the ongoing impact of Brexit including the fact that powers and policy is previously jointly held by the European Commission and the Welsh government risk being transferred wholly to the UK government, limiting the impact of unions in Wales influence decisions.
* A potential referendum on independence in Scotland which could have very serious repercussions for devolution and democracy in Wales regardless of the results.
* The Welsh government’s ambitions for a reformed United Kingdom with stronger devolution which secures as a stable constitutional settlement for the country.

The Welsh Labour manifesto also commits this government to working for “*a new and successful United Kingdom, based on a far-reaching federalism*,” and to “*foster a national, civic conversation in Wales about our future*.” It will establish an independent, standing commission to “*consider the constitutional future of Wales.”* General Council notes this development, as well as the growing body of research around devolving social security, and the lack of research around devolving employment rights and related issues.

Therefore, Congress calls on the Wales TUC to engage with its affiliates and their membership in a debate on the constitution as it relates to decisions on the world of work and socio-economic inequality. In doing so it should liaise with colleagues at the ICTU, Scottish TUC and TUC.

To guide this, a commission will be established by the Wales TUC to look at how devolution needs to evolve to improve the quality of work in Wales and end poverty. It will draw on constitutional experts and trade union officials from all parts of the United Kingdom to inform the debate in Wales on matters which matter most to workers, including employment and industrial relations law. It will seek to draw conclusions on how Wales’s constitutional arrangements should evolve to better meet the needs of workers, and how the nations and regions of the UK should work strategically on issues which could undermine devolution, such as the Internal Market Act 2020.

Its findings would influence public debate on issues relating to Wales’s devolution arrangements and constitution, Welsh Government’s standing commission on the constitutional future of Wales, and shape a refreshed Wales TUC position to be agreed at the next Congress.

GC Statement 2

**Economic Recovery**

Over a year into the pandemic, there are already thousands more people out of work, and unemployment is likely to rise again once the Coronavirus Job Retention Scheme ends. The General Council believes that government in Wales must prioritise job retention in its recovery strategy to minimise the damage of economic instability on people’s lives.

Social partnership offers us a chance to make this case to government, as well as shape policies on job creation, economic development and business support, which will all be central to the recovery. The Shadow Social Partnership Council and Council for Economic Development made sure that here was regular dialogue between unions, employers and government through the pandemic and will be the obvious forums for devising a detailed, whole-economy recovery strategy in the coming months.

The General Council also notes that unemployment is only one threat facing our labour market. Stagnant wages and a sharp increase in the in-work poverty rate defined the pre-pandemic economy, along with a growth in precarious work. A decade on from the last recession, unemployment in Wales had fallen to record low levels by 2018 but this did not result in greater prosperity for many. Median wages had not seen any growth since the 2008 financial crisis, [Households with at least one adult in paid work now make up over half of all households in poverty](https://www.jrf.org.uk/report/poverty-wales-2020#:~:text=Even%20before%20coronavirus%2C%20almost%20a,the%20rest%20of%20the%20UK.) and evidence is now emerging that [some types of precarious work are actually worse for people’s mental wellbeing than no job.](https://www.som.org.uk/sites/som.org.uk/files/Precarious_Work_SBevan_PHE4Feb.pdf) The risk of being in a bad job also remains much higher depending on your personal characteristics, where you live, and your sector and occupation.

The General Council commends Welsh Government for working with trade unions representing workers in our taxi, hospitality and creative industry trades to develop solutions which supported much of Wales’s atypical workforce. A generous funding package for business helped to protect tens of thousands of jobs throughout Wales, and helped those who slipped through the gaps of the UK Government’s support.

The General Council notes that a strong focus on the unemployment rate during the last economic recovery masked a growth in jobs which failed to deliver greater well-being or prosperity. It believes that this must not be repeated in this recovery and calls on Welsh Government to define Wales’s economic recovery by the following three objectives:

1. **Protecting jobs and key industries:** the Job Retention Scheme and the Economic Resilience Fund protected tens of thousands of jobs in Wales during the pandemic. While restrictions remain, any further financial support must only be granted on the conditions that the employer will continue to retain staff and permit trade unions access. Welsh Government must shape the recovery around a vision to transition our key industries like steel and aerospace to be able to thrive in a low carbon economy, where new technologies are used to make work more fulfilling. New relationships between government, employers and unions in sectors like hospitality must be transitioned into Fair Work Forums to establish sectoral social partnership arrangements to improve employment practices
2. **Good, green job creation:** no government intends to create bad jobs, but the nature of work in some of the sectors which will benefit from recovery investment means that the risk of public investment in bad jobs is high. Government must directly address this by designing investment programmes which write-out bad jobs and create good-quality careers, rather than focussing on headline job creation figures or allowing employers to determine the job outcomes from public investment alone. A second phase of the Better Jobs Closer to Home campaign should create ring-fenced employment opportunities to retain the skills of workers in industries like automotive, while contributing to the vision for a low-carbon economy.
3. **Stronger trade unions**: a growth in trade unionism must underpin the recovery effort if we are to not be in the position again whereby our lower paid workers are at greater risk. Empowering workers through unionisation is the only way to strengthen industrial relations and secure better pay, safer workplaces and a fairer labour market, and social partnership is the mechanism through which their voices influence policymaking.

The General Council calls on Congress to endorse the priorities above, and for the Wales TUC to:

* Campaign for a Welsh Government-led recovery strategy which creates a Wales where anyone can get a good job, which is designed in social partnership with an emphasis on job quality outcomes. Ensure this recognises the challenges which faced our labour market before the pandemic, including automation, decarbonisation and increasing work intensity.
* Lobby for the Social Partnership Council to take on the role of a National Recovery Council for the foreseeable future to guide the recovery effort and deliver a more planned approach to job creation and promotion of trade unionism. Work to establish sectoral social partnership arrangements for key impacted sectors like the hospitality and tourism industries.
* Work with Welsh Government and other key stakeholders to reform the wider approach to state intervention in the labour market, to ensure that no public funds go towards insecure work or technologies which displace or monitor workers, or make their jobs less fulfilling. This should focus on conditionality, skills funding and investment as part of a more planned approach to workforce development and job creation. Improved occupational and labour market data and adoption of ‘fair work’ indicators will be key to this.
* Explore innovative solutions to Wales’s labour market challenges, such as a Universal Basic Income and a four day week, including how they could operate in a devolved policy context and what their implications would be for workers and their trade unions.
* Produce authoritative research and reports on Wales’s labour market and trade unions so that policymakers and the wider labour movement take well-informed decisions.

General Council Statement 3

***Improved alignment between skills and economic policy in Wales and effective future funding models for employability and skills***

The General Council recognises the importance of a well-funded skills system, with strong worker voice at its heart, in order to support Wales’ economic recovery following the COVID crisis. It is vital that the voice of the worker and the input of their representative trade unions is inherent in the planning and delivery of skills. The union led learning model in Wales is a proven approach to ensure a fair and accessible learning and skills system. We stress the importance of the continuation of support for the Wales Union Learning Fund (WULF) to allow trade unions to continue to deliver in this arena and build on the huge successes that this programme has brought to workers over the last twenty plus years. We know that this approach has been proven to widen participation (particularly from under-represented groups and vulnerable workers), improve completion rates and reduce drop-out rates in workplace learning. This, in turn, reduces waste in the system and ensures that skills delivery in Wales is needs driven and cost effective.

The General Council strongly believe that we need a responsive, dynamic system to help Wales recover. A well-resourced skills offer is needed and therefore we recognise that funding for employability and skills is key to this. We feel a balanced funding model, that includes individualised funding that affords workers a choice in their own development alongside funding aimed at supporting employers would work best. This requires collaboration with many existing agencies and partnerships. Organisations such as Business Wales, Working Wales, HE, FE and adult learning providers and also the Regionals Skills Partnerships all need to improve collaboration with trade unions in order to achieve this aim.

In order to deliver against fair work objectives, there needs to be much stronger emphasis on job quality within employability and skills initiatives in Wales. The General Council believe that the state should not allocate public funds to support people into employment that does not reduce their risk of poverty, and could be worse for their health. Evidence shows that some insecure jobs are actually worse for people’s mental wellbeing than unemployment, which suggest that only the employer is gaining from employability support that results in people getting these jobs.

The removal of European Structural Funds could undermine collaboration across adult learning and skills, which in turn could result in the worker voice being lost further within the system. The General Council recognise the particular challenges and threats to employability and skills funding and delivery in Wales, and also the importance of adequate funding for skills to address many trade union priorities relating to economic recovery and the changing nature of work. Not least, job creation and employment response, workplace automation, a just transition and skills utilisation. The General Council reasserts its position that in order to successfully address these in a way that protects workers and works towards making Wales a fair work nation, then a worker led, needs driven skills system along with a balanced funding model for employability and skills is essential.

• Protect employability and skills delivery under any future model that replaces structural funds for Wales under the proposed Shared Prosperity Fund and ensure that funding currently available to support in-work progression or redundancy support is protected. Ensure that any funding model encourages collaboration and equality of access and also reflects the regional and national, industrial and sectoral needs of Wales

• Extend the reach of the Personal Learning Accounts and create other forms of individualised funding in order to allow workers to progress in the workplace and to transition from threatened employment in high carbon industries.

Improve access for workers to independent advice and guidance on learning and skills in the workplace (such as union learning representatives), in order to support workers to make informed choices on their own personal and professional development

• Increase worker voice in the skills system and place conditions on WG funding via Business Wales to consult with the workforce on skills and training, via a union learning model (or equivalent)

Ensure that the design, delivery and funding for learning and skills across Wales has equality of access at its heart, in order to widen participation particularly from people with disabilities and those with protected characteristics.

• Increase access to all-age apprenticeships and traineeships across Wales. Unions to work closely with employers, awarding bodies and learning providers in order to improve the quality of apprenticeship placements in Wales and drive up pay and conditions for apprentices.

General Council Statement 4

**Public Services**

Public service workers who are employed by private or third sector employers should have the same pay and conditions as their equivalent colleagues who are directly employed by the public sector.

The independent Fair Work Commission published its recommendations which were accepted in full by the Welsh Government. These included a commitment to strengthen the code which protects outsourced workers. It committed the Welsh Government to strive towards delivering fair work across the country and defined fair work as:

“where workers are fairly rewarded, heard and represented, secure and able to progress in a healthy, inclusive environment where rights are respected.”

The Welsh Government has established a directorate of fair work and social partnership which demonstrates the commitment of Ministers to this agenda. The Welsh Government recently published a draft bill for Social Partnership and Public Procurement which provides a strong foundation on which to enhance pay and conditions for out-sourced workers.

A social care fair work forum has been established which brings together employers, government, and trade unions. It has issued a position statement which places “Tackling low pay in the commissioned independent sector” and to address terms and conditions in the sector.

As the Fair Work Commission noted, workers in Wales are lower paid than in the UK as a whole and the prevalence of low pay is higher. Jobs are often of poor quality. In-work poverty in Wales is higher than elsewhere in the UK and projected to increase.

Unions have noted that people delivering public services who are employed by community and voluntary sector organisations, or private companies remain committed to the public service ethos.

However, commercial considerations make this more difficult. For example, official data has shown that profit-making care homes and domiciliary care services are less likely to meet minimum regulatory standards on service quality.

Wales TUC calls on the Welsh Government and its arms’ length bodies, the 22 local authorities and the health boards to

* commit to and enact parity when it comes to pay, terms and conditions for all those working in public services, including outsourced services.
* take firmer action to tackle gender, race and disability pay gaps

Wales TUC calls on the Welsh Government to include the following provision in the Social Partnership Bill:

* A duty for ‘In-house and in-sourced public services’ which sets out clearly the right for all public authorities to organise and deliver quality public services in the public interest, free from mandatory marketisation, privatisation and outsourcing.

**Unionising throughout the public sector and outsourced services**

We welcome the opportunity provided by the draft Social Partnership and Public Procurement Bill to strengthen social partnership across the devolved Welsh public sector. While the proposed social partnership duty would only apply to bodies listed in the Future Generations Act, we believe that all devolved public bodies in Wales should respond positively to the spirit of the bill and encourage the establishment of union branches where they do not currently exist. Wales TUC will produce an annual report to GC on devolved public bodies in Wales and the status of their social partnership arrangements. This will enable us to monitor such activity and supports efforts by affiliates to establish and maintain new and existing branches.

**No cuts to public services**

According to Wales Fiscal Analysis, the outlook for the Welsh budget after 2021-22 is relatively austere. The note that if the Welsh Government decided to “pass on” consequentials from NHS and schools spending in England, funding for local government would fall short of projected funding pressures, and other areas of the Welsh budget would need to be cut by £80 million in 2022-23. Meeting all the projected NHS pressures, including Covid-19 legacy costs, would entail massive cuts to all other areas of the budget.

Cuts to devolved public services would harm the most vulnerable in society as the support they receive is critically important to their well-being.

Wales TUC calls on the Welsh Government and the 22 local authorities to do everything in their power to secure a strong future for devolved public service and commit to a policy of no cuts to public services.

**Making social partnership work – training and research**

The draft Social Partnership and Public Procurements Bill has the potential to ensure that the voice and experience of workers have a greater say in the operation and improvement of those services. It could improve working life for people in the devolved public sector through agreements reached at the cross sectoral social partnership.

Wales TUC is committed to supporting affiliates and their members in ensuring the system works more effectively for workers and gives them a strong voice.

Wales TUC will work with the affiliates to provide training for reps – whether for single unions or across the sector. The training would focus on social partnership in Wales, so that reps have a better idea of the mechanisms which exist to support their work. Such training would be delivered through affiliates’ structures.

The training would equip reps with the knowledge they need about social partnership. This would include agreements stemming from national social partnerships rely on being implemented at the local level.

Wales TUC will support affiliates in their social partnership work by doing practical research on the experience of workers in the public sector.

Work based learning is important for all staff. Congress calls on the Welsh government to maintain and secure funding for the Wales Union Learning Fund which plays a critical role in encouraging and delivering training to public service workers.

**Social Partnership and Public Procurement Bill**

Wales TUC warmly welcomes the publication of the draft Social Partnership and Public Procurement Bill by the Welsh Government. The Bill was published in response from calls by trade unions to strengthen worker voice in decision making in Wales and it has the potential to improve working lives in Wales. Wales TUC policy on the draft Bill is detailed in our response to consultation, which has been endorsed by the General Council.

The bill proposed a ‘Social Partnership Duty’ which will apply to all public bodies subject to the Well-being of Future Generations Act.

We welcome the proposed duty as a new and important opportunity to achieve fairer outcomes from the work of our public bodies which are in-scope of the Well-being of Future Generations Act. We would welcome more emphasis on information sharing in the definition of social partnership. We would like the social partnership duty to extend through the devolved public sector.

A ‘fair work duty’ on Welsh Government is proposed. The bill currently doesn’t define the fair work goal or possible objectives. We propose that the ‘fair work goal’ should be the Fair Work Commission’s definition of fair work.

The bill introduces the idea of socially responsible procurement duties which require a public body to set objectives to achieve the ‘socially responsible procurement goals’ (which are the well-being goals from the WFGA and the fair work goal) via their procurement spend.

We propose two additional socially responsible procurement duties:

* A duty for ‘In-house and in-sourced public services’ (as noted above); and
* A duty for ‘Fair treatment of workers’

We also propose a public-sector mechanism to support public bodies in relation to contract management obligations and measuring impact, as well as a low-cost audit model which involves consultation with unions.

The bill will legislate for a Social Partnership Council. We welcome the proposal to establish a tripartite SPC. We support two of the SPC’s proposed objectives to

* provide a formal channel through which employers and trade unions can engage with Welsh Ministers.
* provide oversight of the progress achieved because of the introduction of the social partnership.

However, we question where the mandate would come from for a proposed objective to “provide leadership and promote consistency in the Welsh system of social partnership.” We question whether such leadership is wanted, especially by the numerous sector arrangements that would then fall beneath it. We believe it would be for the existing social partnership arrangements (e.g., the NHS Partnership Forum) to consent to the ‘system leader’ role and highlight that any form of reform in these partnership arrangements must be determined by them, not from above.

It would not be appropriate for any sectoral social partnership arrangements like the NHS Partnership Forum or the ‘fair work forums’ recommended by the Fair Work Commission to become sub-groups as they would not be able to determine their own membership and arrangements, and their information and advice to Ministers could be overturned by the SPC.

Congress warmly welcomes the Welsh Government’s commitment to increasing the number of workers who receive the Real Living Wage and its commitment to duties on public bodies relating to fair work, social partnership and socio-economic equality.  Wales TUC will work with affiliates to develop a position on each of these matters which emphasises the need to improve pay, terms and conditions for all workers, especially the most vulnerable.

General Council Statement 5

**Equalities**

We strive to be a progressive and inclusive country that offers people equality at home, in their communities and workplaces.  The Welsh Government has led the way in developing a Race Equality Action Plan, the forthcoming development of an LGBT+ action plan and the introduction of the Socio-economic duty.

The Wales TUC General Council believes in equality based on sex, race, sexual orientation, disability, gender reassignment, age, maternity and pregnancy, religion or belief, marriage and civil partnership and socio-economic status.  The Covid-19 pandemic has clearly highlighted the disproportionate impact on those with protected characteristics and this is further compounded when these characteristics intersect with each other.  We believe that working collectively, using a co-construction approach, with workers, social partners and employers ensures that we are listening to lived experiences as we emerge from the pandemic.

The Wales TUC General Council commits to working with the Welsh Government in social partnership to develop the Race Equality and LGBT+ action plans, and we will accept the recommendations that arise from them.  We will work hard to ensure that the Welsh Government are held to account.

1.    We believe that trans rights are human rights and that non-binary, transgender, intersex and gender non-conforming people deserve recognition, adequate support and protection from discrimination.

2.    We believe that racism remains a shameful blight on our society and that, as Trade Unionists, it must be our mission to work towards an Anti-racist Wales in all areas of employment, at home and in our communities.

3.    We believe that we should work in social partnership to develop these plans and implement them. We will engage with equality forums within the Wales TUC and the affiliated unions to listen to union members and co-construct our work.

4.    We believe that developing the LGBT+ and Race Equality Action Plans in co-construction with people who live these experiences is crucial to ensuring that they accurately reflect life and are rooted in the communities they seek to serve.

5.    We believe that fair pay, closing the gender, ethnicity and disability pay gaps and ensuring that contracts are fair, is crucial to tackling socio economic disadvantage.  Workplaces are gateways to economic prosperity so should also be bastions of equality and fairness.

6. We believe that in order to enable equality of access to learning and skills, it is vital that the voice of the worker and the input of their representative trade unions is inherent in their planning and delivery. WULF delivery provides a model for broadening access and must be strengthened and safeguarded within the learning and skills delivery programme.

7. We will develop training on LGBT+, anti-racism and trade unions and socio-economic duty for workplace reps to upskill workers and encourage them to campaign with us.

General Council Statement 6

**Green recovery and just transition**

The General Council recognises that the climate and nature emergency is one of the gravest threats we face. We welcome the Welsh Government’s ambitious new climate targets to reach net-zero by 2050, with decisive action in the next decade to reduce emissions by around two-thirds.

We are committed to working in social partnership to build a greener, fairer and more equitable economy that protects jobs, our health and the planet. With proper planning and funding, tackling the climate and nature emergency will not mean fewer jobs but could actually increase the number of good quality jobs offering fair work.

The TUC has called on the UK government to develop a properly funded green industrial strategy that matches its rhetoric on climate ambition. The General Council supports these calls, and believes that funding must be urgently increased at a UK level so that Wales can also receive its fair share.

As trade unions, we are committed to organising and mobilising to protect our planet for future generations and to standing up for fairness for workers, especially during times of change. In our report, [A green recovery and a just transition](https://www.tuc.org.uk/sites/default/files/2020-06/A%20green%20recovery%20and%20a%20just%20transition%20Wales%20TUC%20May%202020.pdf) we set out a five-point plan to put in place the foundations to ensure that the transition to a net-zero economy in Wales is truly just.

But we know that a just transition will not happen by itself, and time is running out. The General Council reaffirms the call for a just transition as set out in the Wales TUC’s report, and calls upon the Welsh Government to:

* Use all available levers to protect and involve those whose jobs are affected and maximise opportunities to create good new jobs offering fair work in the process of the transition.
* Include a clear definition of and commitment to a ‘just transition’ (which reflects trade union definitions and references the ILO guidelines and relevant international agreements) in its Low Carbon Delivery Plan 2.
* Continue to work closely with the Wales TUC and other social partners to ensure just transition discussions are integrated into social partnership structures and the proposed Social Partnership Duty to support social dialogue between workers, employers, and their representatives, and governments, as the foundation for the development of effective, locally-led, just transition plans at all levels
* Support trade unions to take a stronger leadership role in shaping a rapid and just transition at workplace level through support for and recognition of the green rep role in the devolved public sector and other workplaces where the Welsh Government has influence (eg by incentivising the provision of facility time)
* Commit to carrying out a comprehensive review of green skills and workforce planning to ensure an effective, coordinated national strategy. This should consider qualifications and pathways with an analysis of any gaps and opportunities to provide job matching services.
* Establishing a dedicated skills for transition fund accessible to all alongside additional support pathways for workers in the most impacted high-carbon industries (eg oil and gas workers), which can be tailored to individual workers’ needs, based on successful models of schemes from elsewhere (such as Germany).
* Integrate just transition into Wales’ Nationally Determined Contribution (NDC) reporting: Welsh Government should include just transition measures as part of its reporting on achieving its targets under the Paris Agreement. Measures could include:
* Evidence of consultation on just transition issues in social partnership discussions and appropriate levels of TU representation on all WG decarbonisation bodies
* Numbers of new green jobs alongside measures of job quality which should include Fair Work standards, inc. diversity and inclusion and levels of union coverage. Measures should also monitor numbers of young people/new entrants and those transferring from different sectors.
* Evidence of engagement with unions by employers eg collective bargaining on carbon reduction/transition plans at workplace or sectoral level (such as jointly agreed transition plans or joint environment agreements), support for and recognition of the green rep role (eg facility time agreements) and consultation with unions on workforce planning, identifying opportunities for new green jobs and green skills training
* Numbers of learners taking up ‘green skills’ training, including diversity and inclusion measures and outcomes post training.

The General Council calls on Congress to endorse the asks made of Welsh Government set out above, and to calls on the Wales TUC to:

* work closely with the ITUC, TUC, affiliated unions, environmental and community groups and other third sector organisations in the run up to CoP to promote ‘climate ambition with just transition’ and mobilise support – for example, by becoming a partner of the [Climate Cymru](https://climate.cymru/) campaign.
* raise the profile of trade unions’ just transition campaigns among other organisations - identify areas of common interest and work to increase the inclusion of just transition principles within wider environmental campaigns
* work with unions and other organisations to campaign on job creation, job quality and campaign for recognition of the green rep role, including campaigns targeted at employers and employer bodies
* continue to engage and build capacity of trade unions and trade union green reps through ongoing provision of training, resources, workshops and networks
* work with colleagues in the TUC and affiliated unions to campaign for the increased funding and policy changes from UK government needed for Wales to achieve its climate targets.