

Information Further to Ministerial Answers

**Information further to OAQ35081 issued by Rhodri Morgan, the First Minister,
on 25 June 2004**

To Janice Gregory:

At Plenary on Tuesday 18 May 2004, you asked me the following question, which I agreed to discuss with the Minister for Health and Social Services and write to you on the matter:

‘Will you and the Minister for Health and Social Services continue to bring pressure to bear on the relevant authorities to provide services for lupus sufferers?’

My response was:

‘I am grateful to you for your question, and you are right to say that not much is known about this condition. I had heard about the condition but, until you asked your question, I knew little about it. It is an extremely debilitating disease, and 90 per cent of sufferers are women. The disease is normally treated in rheumatology clinics, but, if there are problems with its treatment in these clinics, I will make inquiries, and either I or Jane Hutt will write to you.’

After discussing with the Minister for Health and Social Services, I can confirm that lupus will be addressed within the context of our developing the all-Wales arthritis and musculoskeletal health and wellbeing policy and action plan. The policy and action plan will help to ensure the fair provision of high quality, integrated health and social care services for people with arthritis and musculoskeletal conditions, including lupus, across Wales. This will be the first of its kind in the UK, if not Europe. The policy and action plan will focus on care and support in a holistic way by focusing on providing person-centred care, promoting health and independence and fitting services around people’s needs.

A planning and implementation group has been established since September 2003 to take this forward in Wales. This is a multi-agency, multi-professional partnership between the National Assembly, local government, social services, the Welsh industry group, leading consultants in the field of rheumatology and orthopaedics, therapists and other healthcare representatives and the voluntary sector, and includes representatives from both Arthritis Care, the Arthritis and Musculoskeletal Alliance and service users.

The group has identified the following key issues for the policy and action plan, and sub-groups have been established to take these key issues forward:

- prevention
- access
- assessment/diagnosis
- management/treatment
- independent care and support
- communication and information

The work of the group is progressing well with an aim to produce a draft for consultation in the autumn of this year.

**Information further to OAQ35104 issued by Rhodri Morgan, the First Minister,
on 8 June 2004**

To William Graham:

I am writing in response to a question about the definition of the term 'GM free', which you raised in Plenary on 18 May. My understanding is that the EU regulations on the traceability and labelling of genetically modified organisms (regulation 1830/2003) and on GM food and feed (regulation 1829/2003) do not provide for products to be labelled as being 'GM free'. Rather, the regulations establish a system in which GM products containing or derived from GM material must be clearly labelled as such. This is the case, no matter what the level of GM presence. The only exception to this obligation is where the GM presence is lower than 0.9 per cent and is adventitious or technically unavoidable. In that case, the onus is placed on the operator to produce evidence that all reasonable steps were taken to avoid the GM contamination. In assessing the extent of the obligation to label products as containing genetically modified organisms, the operator must consider not only whether GM presence can be detected in the product, but also whether, having regard to the extensive traceability provisions, any GMOs have been used at any stage of the production process.

Any operator wishing to label produce as being 'GM free' should be very careful to ensure that its actions are consistent with the requirements of these regulations.

**Information further to EAQ35728, issued by Andrew Davies, the Minister for Economic
Development and Transport, on 18 June 2004**

To Nick Bourne:

I am writing in response to your letter of 24 May.

Some time ago, I was asked by the Economic Development and Transport Committee to brief Members on the legal position of employees who were made redundant as a result of a company becoming insolvent. A copy of that brief is attached.

My officials continue to monitor the situation closely. The Welsh Development Agency is proactively marketing the site, both as a going concern and as a site suitable for alternative industrial development activity.

Report to Economic Development and Transport Committee May 2002

Redundancy Payments to Employees

When employees are made redundant they look to the employer to pay any redundancy pay to which they may be entitled. They would also look to their employer to make any other payments owed to them, for example pay for accrued holidays, outstanding wages and any payment in lieu of notice. An employee may not be able to recover these sums where an employer is unable to make payment due to insolvency or if they are unwilling to pay. In these circumstances, an employee may seek to recover these 'debts' in other ways:

As a preferential creditor

Where an employee is unable to recover payment of certain debts, which should have been payable by the employer, these rank as preferential debts on the insolvency of the employer. The extent of the preferential debt in these circumstances is capped at £800 and therefore if the employee is owed in excess of £800 he/she will rank alongside ordinary creditors in respect of any excess.

Outstanding pension contributions

An employee who is made redundant due to insolvency of an employer has the right under part 12 of the Employment Rights Act 1996 to have the Secretary of State make up unpaid employee's contributions to an occupational pensions scheme. These payments are made out of the national insurance fund. In these circumstances applications may be made for both payment of arrears for employers contributions and employees contributions.

Application for payment out of the National Insurance Fund

There are certain guarantees provided by the state to ensure that payment of redundancy money is made to a redundant employee where the employer cannot make payment due to insolvency or where the employer refuses to pay. In these circumstances, an employee may apply to the Department of Trade and Industry, for payment out of 'the national insurance fund'.

Under part 12 of the Employment Rights Act 1996, the national insurance fund may be used to pay certain debts to an employee, therefore guaranteeing that the employee receives at least some remuneration. An employee may claim an 'employer's payment'. This includes:

- a statutory redundancy payment; or
- a payment due from the employer under an Advisory, Conciliation and Arbitration Service conciliated statement or a formal compromise agreement; or
- an agreed payment under a collective agreement approved under the collective contracting out provisions.

An employee may also claim the following from the national insurance fund:

- up to eight weeks arrears of pay. The employee is not restricted to the most recent eight weeks preceding the insolvency but may choose payment for unpaid weeks most favourable to him. This means that if over a period of time, for example, an employee was unpaid in respect of 10 individual weeks he may choose to apply to recover payment from the eight weeks he chooses;
- minimum pay during notice or damages for failing to give notice;
- up to six weeks holiday pay accrued over the last 12 months;

- basic award for unfair dismissal; and
- reasonable reimbursement of fees.

Required circumstances for claims

'Employer's payments' may only be claimed in circumstances where either the employer steadfastly refuses to pay or where the employer is 'insolvent'. 'Guaranteed debts' are only recoverable where the employer is 'insolvent'.

Qualification

A right to redundancy payment on termination of employment for reasons of redundancy and any application for a guarantee from the Department of Trade and Industry does not arise until an employee has completed two years continuous employment.