

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol
Cabinet Secretary for Finance and Local Government



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

John Griffiths AM
Chair Equality, Local Government and Communities Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

27 March 2017

Dear John

At my evidence session with the Committee on the 9 March I promised to write to the Committee once I had considered responses to the consultation on prohibiting the use of agency worker to cover industrial action and made a decision about how to proceed.

As the Committee is aware, the UK Government consulted in 2015 on a proposal to revoke Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003. Regulation 7 prohibits employment businesses from providing temporary workers to provide cover during industrial action. Whilst the UK Government has not yet acted following its consultation, should it revoke the regulation this would apply to industrial action taken by workers in all sectors, including workers employed in the public sector in Wales.

In September 2016, I published a consultation on whether the legal position should continue unchanged in Wales – i.e. to sustain the position where devolved Welsh authorities in Wales are unable to use temporary workers to provide cover when their staff take industrial action. This would be achieved by prohibiting the authorities themselves from using agency workers in a mirror to Regulation 7 which applies to employment businesses.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Following the consultation, I have decided to bring forward a Government amendment at Stage 2 to retain the status quo which prohibits the use of agency workers during strike action on Welsh public authorities. Should the UK Government subsequently decide to revoke Regulation 7, the effect of doing so would apply to all other employers in Wales.

I am copying this letter to the Finance Committee.

Yn gwyir

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

Mark Drakeford AM/AC

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