



Nick Boles MP
Minister of State for Skills
Department for Business, Innovation and Skills
1 Victoria Street
London
SW1H 0ET

18th January 2016

Dear Nick

I wrote to you on 20 November drawing your attention to a Legislative Consent Memorandum that has been laid in the National Assembly for Wales in respect of the Trade Union Bill. The accompanying Motion will be debated on the 26th January and this Government will firmly oppose the granting of consent. We will do so on the basis that the proposals in your Bill will damage the model of social partnership on which we have successfully based our approach to industrial relations within the public sector in Wales.

We believe that working constructively with Trade Unions is the best way for public sector bodies to ensure effective delivery of services to the public.

Both you and the Prime Minister have consistently asserted that the Bill does not require the consent of the National Assembly.

However, it is clear to us that the Bill is not 'concerned exclusively with non-devolved matters', but intrudes on the delivery of devolved public services for which Wales has the right to develop its own approach.

The judgement of the Supreme Court on the Agricultural Sector (Wales) Bill gives a clear basis on which the National Assembly could legislate on a matter that fairly and realistically satisfies section 108 of the Government of Wales Act 2006 regardless of whether the matter is also capable of being classified as relating to a subject which has not been devolved.

I note that the Bill has recently had its second reading in the House of Lords and will shortly enter the Lords Committee Stage. This provides you with the ideal opportunity to reconsider your position, acknowledge the relevance of the Supreme Court's judgement, and act to exclude the devolved Welsh public services from the provisions of the Bill.

This could take the form of the attached draft amendments which you might table and offer U.K. Government support. The draft amendments would exclude the Welsh public sector from the following provisions:

- Clause 3 (introducing an additional 40% overall membership support threshold for industrial action in 'important public services');
- Clauses 12 and 13 (enabling reporting requirements and restrictions to be placed on trade union facility time in the public sector); and
- Clause 14 (banning 'check off' arrangements in the public sector).

I am copying this letter to the Secretary of State for Wales.

Yours sincerely

A handwritten signature in black ink, reading "Leighton Andrews". The signature is written in a cursive style. Below the signature is a horizontal line that ends in an arrowhead pointing to the right.

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services