



Llywodraeth Cymru
Welsh Government

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Agenda item 4: the potential for the Social Partnership Council (SPC) to support equality and diversity

The potential for the Social Partnership Council to support equality and diversity.

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Decision required

SPC Members are asked to agree their preferred option(s).

1. Establish an Equality and Diversity Subgroup
2. SPC discussion papers to include a section covering equality issues.
3. Equality and diversity to be a standing agenda item.
4. Consider how to make use of existing equality work across Welsh Government, our social partners and expert groups.

Issue

1. Discussion paper on the potential of the Social Partnership Council (SPC) to support and enhance equality and diversity. SPC members are asked to agree their preferred option or options.

Background

2. During Senedd scrutiny of what is now the Social Partnership and Public Procurement (Wales) Act 2023 (“the SPPP Act”) a number of stakeholders emphasised the potential of the legislation as a means of promoting greater equality and diversity in workplaces in Wales.
3. This matter was considered further by the Social Partnership Forum (a forerunner to the SPC), with members of the Forum agreeing that a paper should be submitted to the SPC, once established, explaining how the duties and structures created by the SPPP Act might be utilised to achieve maximum positive impact on equality and diversity. This paper provides that

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information and invites views from SPC members. Annex A provides an overview of relevant duties and extracts from the SPPP Act.

4. The SPC could provide a vehicle for providing information and advice from social partners on relevant equality and diversity issues, enabling Ministers to hear the views and experiences of workers and employers. Trade unions have democratic, representative structures which have potential to capture the experiences, concerns, and views of those with protected characteristics. In addition, many unions' internal structures also build in proportional representation.
5. During scrutiny of the Act the then **Equality and Social Justice Committee** (ESJC) were critical over the lack of diversity and geographical representation within the proposed SPC. Prior to the start of the nominations process, officials worked with nominating bodies to ensure that the nominations put forward provided a diverse enough pool of nominations from which the First Minister could select the 9 worker and 9 employer representative members for the first iteration of the SPC. However, with only 18 places available the membership can never fully reflective of the different protected groups from across the whole of Wales.
6. To ensure that the SPC can fully consider equality and diversity matters, the following options are suggested:

Option 1 - Establish an Equality and Diversity subgroup

7. One possibility would be to establish an equality and diversity subgroup whose role would be to consider equality and diversity issues and report their findings back to the main Council.

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8. Section 8 of the Act allows for the SPC to establish relevant subgroups. A subgroup of the SPC may (a) carry out any function under section 1 of the Act delegated to it by the SPC; and (b) help the SPC carry out its functions in any ways specified by the SPC.

Pros

- Having an Equality and Diversity Subgroup, tasked by the SPC to look at distinct issues, would allow for a greater and more diverse range of voices to be heard.
- An equality and diversity subgroup could help to ensure that the voice and lived experience of people with protected characteristics is fully taken into account in information and/or advice given to the Welsh Ministers on matters relating to social partnership, fair work or socially responsible procurement by the SPC.
- A subgroup could also bring in expertise as required to further inform and/or supplement any findings or advice it provides to the SPC.

Cons

- No one subgroup could cover the whole range of lived experience.
- An Equality and Diversity sub-group could be seen as sidelining the status of equality and diversity work.
- A subgroup could duplicate work done by the wide range of expert groups and lived experience groups that provide advice to Welsh Government (such as the Anti – racist Wales Action Plan External Accountability Group bringing together Black, Asian and Minority Ethnic experts and people with lived experience.)

Option 2 – SPC discussion papers to include a section covering equality issues

9. This option would mean that every discussion paper presented to the SPC for a decision would include a section considering equality and diversity issues in relation to the item under consideration.

Pros

- This would lead to equality and diversity issues being fully considered when items are brought to the SPC and truly integrated into its work.
- It will ensure that consideration of equality and diversity implications is tailored to the matter in question.
- It would also negate the need for a subgroup because equality and diversity issues would become a natural part of the work that the SPC does.

Cons

- This will place additional burdens on drafters and could be seen as overcomplicated and bureaucratic.

Option 3 – Equality and diversity to be a standing agenda item

10. When the paper referred to in para 3 was discussed by the SPF, Trade Union side felt standing agenda items on the SPC could be a more effective means of ensuring the voices of those from diverse backgrounds are heard, though it was highlighted that this may create a 'talking shop'.

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Pros

- It allows for issues to be considered by the main Council rather than be delegated to a subgroup which could be considered as sidelining an equality and diversity issue.

Cons

- The SPC already has a very packed agenda for each meeting and it would be hard to fit in a regular standing item for discussion
- The SPC membership cannot cover the whole range of lived experience and would rely on others being drafted in to provide any additional advice or information to the SPC.

Option 4 – Consider how to make use of existing equality work across Welsh Government, our social partners and expert groups

11. There is potential to tap into existing areas of expertise within Welsh Government, social partners and expert groups, such as ArWAP and EAG rather than add an additional group.

Pros

- This would give the SPC access to expert groups that reflect the voice and lived experience of people with protected characteristics in order to inform its future work.
- It could avoid any potential duplication and provision of overlapping advice to

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Ministers where another group could be considering the same issue as the SPC at the same time.

Cons

- it would need to be clarified and agreed for each issue the appropriate group(s) for the SPC to engage with and how that engagement would take place.

Next steps

12. Following the SPC members agreement on their preferred option, the Secretariat will undertake the necessary background work and bring a detailed proposal back for members' agreement.

Annex A

Context: what the SPPP Act says about equality and diversity

Part 3 of the of the SPPP Act deals with socially responsible public procurement. Section 27 of Part 3 includes the following provisions:

Social public works clauses in major construction contracts

(1) The Welsh Ministers must publish model clauses for major construction contracts (“social public works clauses”) designed to bring about the

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improvements to economic, social, environmental and cultural well-being listed under each category in the Table in subsection (2).

(2) The categories and improvements are -

Payments

- Ensuring and enforcing prompt payments.

Employment

- Providing employment opportunities to younger people, older people, the long term unemployed, people with disabilities or people who may otherwise be disadvantaged (for example because of their race, religion or belief, sex, gender identity or sexual orientation).

Compliance

- health and safety, and trade union representation.

Training

- Providing appropriate training for workers.

Sub-contracting

- Providing opportunities to small and medium sized enterprises and voluntary organisations to execute works, supply products or provide services.

Environment

- Requiring sustainable management of natural resources, use of sustainable materials, resilience to the impact of climate change, reduction of greenhouse gas emissions, and enhancement of the natural environment and biodiversity.

The social partnership duty on public bodies will require them to seek compromise or consensus with their recognised trade unions or other staff representatives when setting their well-being objectives under the Well-being of Future Generations (Wales) Act and when making strategic decisions about the reasonable steps bodies are taking to meet those objectives. Genuine dialogue between public sector employers and worker representatives / trade unions with the aim of improving decision-making and enhancing well-being could compliment and support the Public Sector Equality Duty and its implementation by public bodies.

A Guide to Fair Work – sets out (1) what fair work means in practice; (2) why promoting fair work is beneficial for organisations, workers, and wider well-being; and (3) some practical steps organisations can take to continue on their fair work journey. “Fair work is the presence of observable conditions at work which means workers are fairly rewarded, heard and represented, secure and able to progress in a healthy, inclusive working environment where rights are respected”. The pursuit of fair work, therefore, and the reference now made to it in the Well-being of Future Generations (Wales) Act, have the potential to impact significantly on equality and diversity.

The socially responsible procurement duty set out in the Act will require certain public bodies to consider socially responsible public procurement, to set objectives in relation to well-being goals which those bodies must meet when carrying out procurement, and to publish a procurement strategy. In addition, in relation to certain types of contract, public bodies will be required to carry out

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contract management duties to ensure that socially responsible outcomes are pursued through supply chains. Around £8 billion is spent annually on public procurement in Wales; the new procurement duties set out in the Act therefore have the potential to act as a significant lever to help enhance equality and diversity in Wales.

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