



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 10 November 2015

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Scottish Parliament

Tuesday 10 November 2015

[The Presiding Officer opened the meeting at 14:00]

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader today is Dr Colin Mackenzie, lecturer on leadership and management at Edinburgh Napier University and high-growth business adviser.

Dr Colin Mackenzie (Edinburgh Napier University): Presiding Officer and members of the Scottish Parliament, today you may be surprised to discover that I am not here to talk business or education but about how I have been personally inspired by an incredible paper-book sculpture called “The Butterflies”, which is currently outside this chamber. This talk is about what the sculpture means to me and to those who have seen it and what it can represent for Scotland.

It was made by an anonymous artist, who has left amazing paper sculptures in Edinburgh libraries and museums. Each of these intricately and carefully crafted pieces comes with a label promoting libraries and public spaces. The artist has become the subject of a book and a tourist trail and is an internet phenomenon. Imagine an old tatty book, opened on end with butterflies flying out. That is the Butterflies sculpture. Originally made to raise funds for a cancer charity, it has been touring Scotland on a not-for-profit basis.

This sculpture’s tour began a year ago in the war poets library in Edinburgh Napier University’s Craiglockhart campus, where I began my personal academic journey as an adult. It has also been in the United Kingdom library of the year in Kirkwall, in Dumfries and Galloway, in Aberdeen, in East Lothian, in the Killin village library, in Abbotsford and, most recently, in a place where I grew up—South Nitshill, Glasgow.

South Nitshill used to be a place of violence and hopelessness and what I would call, in the words of Billy Connolly, a “desert wi’ windaes”. It has now changed. I could not imagine that I would be returning, as an adult, with a piece of art in the hope of inspiring children, adults and teenagers. For me, the Butterflies sculpture represents freedom—a flight from poverty and freedom from violence.

The Butterflies sculpture, like most art, projects multiple perceptions. Many people are inspired because they see an individual who has spent

spend hundreds, if not thousands, of hours without desire of public recognition to promote a worthwhile cause. This piece can be said to represent the many unsung heroes in our society.

These actions represent what is good about people. This art has been warmly and enthusiastically received wherever it has appeared. However, it is not the object that is special. It is made from paper and a recycled book and is not meant to last. It is what it represents that is important. It is a story, a cause, a mystery, a journey. Designed to inspire, my message to the Scottish Parliament today is: let us inspire social causes, let us inspire business, and together let us create a country with a focus on inspiration.

Business Motion

14:04

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-14778, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for today.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for Tuesday 10 November 2015—

after

followed by Topical Questions

insert

followed by Ministerial Statement: Policing

after

followed by Scottish Government Debate: Trade Union Bill

insert

followed by Scottish Parliamentary Corporate Body Debate: Reimbursement of Members' Expenses Scheme

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:05

Refugees (Housing)

1. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government whether it has determined the number of homes that are immediately available to house refugees in Scotland. (S4T-01161)

The Minister for Housing and Welfare (Margaret Burgess): Scotland is expected to take around one third of the refugees who are expected to arrive in the United Kingdom before Christmas through the Syrian refugee resettlement programme. That is testament to the work of the members of the refugee task force and all our partners around Scotland.

Local authorities are responsible for identifying accommodation for refugee households, and local authorities that will welcome refugee households have identified housing as part of their on-going preparation. They will also ensure that other services are ready to support the wider needs of refugee households.

As co-chair of the accommodating refugees sub-group of the task force, I am very aware of and welcome the great lengths that local authorities have gone to in order to ensure that accommodation and support are in place for refugee households.

Alex Johnstone: I presume that the minister has included Bute house in the number of homes that are available, given the First Minister's declared intention to provide accommodation for a refugee.

Many communities across Scotland want to be part of the process and look forward to welcoming refugees, but there are currently an estimated 173,587 households on local authority or common housing register lists. With waiting lists of that size, is the minister confident that she will be able to allocate refugees around Scotland in such a way that will achieve a fair distribution and avoid the terrible error of putting them all in the same place, with the pressures that that may bring about?

Margaret Burgess: Local authorities across Scotland have very much indicated their willingness to accommodate refugees. It is up to the local authorities, which work directly with the Home Office, to determine the best accommodation for them.

We have to make it very clear that the work is not just about the accommodation; it is about finding houses and ensuring that other services are available for the refugees. We are very

confident that, through the task force sub-group that I co-chair, refugees will be taken into local authority areas across Scotland and they will all be accommodated and have support services to go with that accommodation.

Alex Johnstone: The minister and other political parties are making plans for how they will construct more social and affordable housing in the next session of Parliament. Can the minister make a commitment at this time that the local authorities that have dug deepest, have the biggest waiting lists and are willing to do their part will be given an appropriate level of support to ensure that additional houses can be built in those areas during the next five years?

Margaret Burgess: The Scottish Government and the First Minister have already made very clear our commitment to increasing housing across all tenures in Scotland, and we continue to do that.

As I said in my earlier answer, local authorities work directly with the Home Office in accommodating the refugees, and our responsibilities to the people of Scotland do not prevent us from taking the right humanitarian approach on housing and housing refugees.

We are looking very carefully at the matter and are working closely with the Convention of Scottish Local Authorities and the 32 local authorities to ensure that refugees are accommodated across Scotland in good accommodation, as any other person on the waiting lists in Scotland would expect.

Bruce Crawford (Stirling) (SNP): Does the minister agree with the approach that Stirling Council has taken in recently holding a summit of all interested parties in the Stirling area, including registered social landlords and private landlords in the council's own housing area, on how to provide services for the refugees who will eventually arrive, and in working together to come to an appropriate conclusion on how best to provide services for refugees in the future? I recommend that approach to others across Scotland.

Margaret Burgess: Yes, I very much welcome the approach by Stirling Council and other local authorities across Scotland. Community planning partnerships are taking the same approach. Communities are coming together, and housing services, voluntary agencies and members of the public are all looking together at how best we can support refugees when they come to Scotland.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): Does the minister agree that a welcome change in this round of refugee settlement is that so many local authorities are coming forward? In the past, it seemed as though only Glasgow City Council was responsible for

rehousing refugees, because no other local authority would come forward. Does she welcome the efforts being made not only by local authorities across the country but by organisations such as the Maryhill Integration Network, which provides such wonderful support to new and existing members of our community and ensures, wherever it can, that those relationships remain harmonious?

Margaret Burgess: Yes, I very much support what the member said. I welcome local authorities looking at taking refugee families into their communities. Local authorities have learned a lot from what Glasgow City Council and Glasgow Housing Association have done in the past. Their experience has been shared, and other local authorities are confident that they can provide the required services and a support network like the one in Glasgow.

Marine Renewables (Saltire Prize)

2. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government whether it will provide an update on the awarding of the saltire prize for marine renewables. (S4T-01155)

The Minister for Business, Energy and Tourism (Fergus Ewing): The saltire prize challenge committee—the independent committee that oversees the prize—has been keeping the prize criteria and competitor progress under review. It is considering options for reshaping the prize to better reflect the circumstances of the wave and tidal sectors.

Trade body Scottish Renewables is supporting the Scottish Government with the review and has convened a focus group of industry representatives and other marine energy experts to discuss revised prize options. A report with the conclusion of the group's discussions is expected next year; it will then go to the saltire prize challenge committee for consideration and approval.

Liam McArthur: There was a time when ministers were all over the saltire prize—barely a month went by without a press release or, indeed, an invitation from the former First Minister to join him at the great hall in Edinburgh castle. However, we did not hear anything this summer or autumn, even though a decision was taken to dismantle the prize; we had to learn that from the small print on the Government's website.

I absolutely understand the pressure that marine renewables is under. Companies are closing down or scaling back their involvement in the sector. Does it not make sense for the minister to say today that he will bring forward the money that has been put aside for the saltire prize and use it this year to protect the fledgling industry?

Fergus Ewing: First, I have not put out a flurry of press releases—I have been too busy getting on with my job. Secondly, I would have thought that Liam McArthur, who has pursued these matters as a supporter of marine energy, would acknowledge that, in setting up wave energy Scotland with a £14 million budget, we have made a very solid commitment to supporting the marine sector. Thirdly, it is absolutely right to review the prize in the likelihood that, because of the criteria set, it cannot be won. That is happening. The industry is leading the recommendation about how to reshape the prize in a way that will achieve its objectives but not unduly hit the taxpayers' pockets.

I hope that Mr McArthur and I can continue to work together to promote marine energy, in which Scotland, particularly with the European Marine Energy Centre in his constituency, is recognised as a leader and as the world's only grid-connected, accredited testing centre of marine devices.

Liam McArthur: I acknowledge the minister's passionate commitment to seeing marine renewables play a part in our future energy mix, but he has just conceded that the saltire prize will never be awarded. Companies are not far enough ahead in their development for that. The minister has the opportunity to use that money to help develop the industry further. The choice for the Scottish Government is whether it prefers to save the former First Minister's reputation or, instead, to save the industry. Will he commit to use the money to save the industry?

Fergus Ewing: I have always been more interested in results—in particular, the results of success in the marine sector—than in reputations. In that regard, I am delighted that Scotland is leading the way with companies such as Albatern, Nova Innovation and Atlantis Resources. Indeed, the Atlantis corporation is the architect of the world's largest tidal array—which is currently being deployed, as Mr McArthur well knows—and whose success will give the most tremendous fillip to a sector that has had hard times, as the member well knows.

In addition, as well as the headline prize there are saltire-related activities such as the saltire prize lecture and medal, the junior saltire prize, which promotes activity and innovation among schoolchildren and students, and the saltire prize website.

Lastly, it was always anticipated that the prize would be awarded in 2017 and there has been no allocation in the existing budget in respect of meeting the cost of paying out the prize. Therefore, we have achieved all the success with none of the cost.

Loganair (Safety, Reliability and Maintenance)

3. David Stewart (Highlands and Islands (Lab): To ask the Scottish Government what recent discussions it has had with Loganair regarding safety, reliability and maintenance. (S4T-01160)

The Minister for Transport and Islands (Derek Mackay): I met Loganair officials on 15 September 2015 and sought assurances about the reliability of Highlands and Islands air services. Loganair officials accepted that their engineering support was not good enough and they have embarked on a significant programme of improvements. I hope that passengers will start to see the benefits of those changes as soon as possible.

David Stewart: The minister will be aware of cross-party concerns about the robustness of Loganair services within the Highlands and Islands. Constituents have written to me this weekend expressing worries about the reliability of the services, which as the minister knows are vital for business and tourism. Will the minister raise those issues with the airline as a matter of urgency?

Derek Mackay: Yes. I agree with David Stewart on the issue of reliability. I have raised that issue specifically with the operator in the past. I am happy to do so again and to ask for a progress report on how its plans are going.

All members are well aware that the Government has increased the subsidy and support to 50 per cent in relation to the cost of air fares. I expect enhancements around engineering; Loganair has plans for that and I want to see them realised. I agree that the reliability issues have not been acceptable—that point has been made by islanders, politicians and the Government.

David Stewart: The pilots' association has also expressed concerns that aircraft have been returned to line in poor condition. Does the minister share the pilots' view?

Derek Mackay: I go by what the pilots and the company have told me. We express concern about reliability but we must not put safety in question. No pilot will leave the ground unless they are convinced that it is safe to do so, as the pilots' trade union has made perfectly clear. No Loganair pilot would fly if they thought that the aircraft was unsafe.

There is certainly more of an issue to do with reliability. All necessary checks are made on aircraft before they fly, which might have an impact on reliability if an aircraft departs later than it should have done. However, safety must never be compromised. On that, the operator, pilots, politicians and communities all agree.

Tavish Scott (Shetland Islands) (LD): I am sad to have to assure the minister that the situation is the worst that it has been in my 15 years of getting on planes to and from Shetland. I agree with him on safety, but will he undertake to meet the Civil Aviation Authority, if that is appropriate?

Will the minister also undertake to meet Stewart Adams, the chief executive of Loganair? Although Stewart Adams is making best endeavours to improve things, on Sunday night at Sumburgh the Aberdeen plane went technical and the Glasgow incoming plane went technical. People are putting up with that every day, as David Stewart rightly said, and we need genuine improvements.

Derek Mackay: I agree with Tavish Scott. That is why I have met and will continue to meet Loganair, to push the company on its engineering commitments. There are matters of commercial sensitivity, but Loganair might be able to share its plans on investment in engineering to address a number of the issues.

The Civil Aviation Authority is the industry regulator. As Tavish Scott is aware, aviation safety is reserved to the United Kingdom Government, but that has not prevented me from raising relevant matters with the operator. I will continue to do that, because the situation has got worse. I will do everything that I can do, from the Scottish Government and Transport Scotland point of view, to ensure that there is a more reliable service.

I repeat that I do not think that safety is compromised. No one should scaremonger to that effect, and that has not happened today. People should be reassured about the service that is provided, but we expect a better service, and that is the case that I will put to the operator.

Policing

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Michael Matheson on policing. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:20

The Cabinet Secretary for Justice (Michael Matheson): I welcome this early opportunity to update Parliament following the publication today of “Independent Assurance Review Police Scotland—Call Handling Final Report”, which I directed Her Majesty’s inspectorate of constabulary in Scotland to undertake three months ago.

I start by once again offering sincere condolences to the families of John Yuill and Lamara Bell for the tragic loss that they have suffered.

I have previously highlighted my belief that the foundations of policing are strong. That is reinforced by the latest statistics, which show that recorded crime is at a 41-year low, supported by the 1,000 extra officers that this Government has delivered. Of course, the credit goes to the hard-working officers and staff across Scotland who regularly put themselves in situations that many of us would not put ourselves in.

However, there is more to be done, which is why the programme for government set out a series of measures to strengthen policing. In September, I held a summit to support further development of local scrutiny, and more than 80 stakeholders attended. The chair of the Scottish Police Authority has already begun his review of police governance, which is on track to report in March 2016. We will shortly embark on a refresh of the strategic police priorities, giving communities the chance to have their say. In addition, the process to appoint a new chief constable is well advanced, and the chair of the Scottish Police Authority has set out a clear expectation that the new chief will put a strong focus on addressing issues that were highlighted in the recent staff survey.

I want to spend my time today focusing on the HMICS report that was published this morning. I thank Her Majesty’s inspector, Derek Penman, and his staff for their work. This comprehensive piece of work has involved more engagement than any previous HMICS review, and included a public online questionnaire, an audit of calls and more than 85 interviews and 34 group discussions with police officers and staff.

Police Scotland contact, command and control centres manage 500,000 999 calls and 3.24 million 101 calls a year. The HMICS report provides a number of welcome assurances. Staff levels are now stabilised at Bilston Glen, Motherwell and Govan, and staff are committed to providing a good service to the public. Grading, prioritisation and dispatch of officers work well for emergency and high-priority calls. Risk and vulnerability assessment is also strong within the area control room environment. New training is now in place for all new staff, and the interim information and communications technology solution that is in place is fit for purpose.

The report contains 30 recommendations: Police Scotland has assured me that it will implement all of them. The report confirms that significant progress has already been made, but gives the SPA and Police Scotland clear direction on where further improvements are needed. Those areas include programme management and governance, staff communication, training, technology and quality assurance. I will deal with each of those in turn.

First, the report contains a series of criticisms of the programme management and governance that were in place around the restructuring programme. Although performance is now stabilised, it is essential that those issues be addressed before the remaining phases of the change programme are progressed. I have discussed that with Andrew Flanagan, the chair of the SPA, and with Police Scotland, and they have confirmed that independent experts will be brought in to provide strong assurances before any decision is made on implementation of proposed changes to the Aberdeen, Dundee and Inverness centres. They have further confirmed that Police Scotland will establish a reference group of senior independent change and call-handling professionals who will provide on-going oversight and advice as the restructuring process progresses.

The report also highlights concern about how staff expertise was captured in designing the change, and it echoes findings from the Police Scotland staff survey around communication and engagement. I have made clear to Police Scotland my expectations in respect of that recommendation, and my strong conviction that investment in staff is as important as—if not more important than—investment in systems. To address that, Police Scotland has confirmed that it will establish a programme that is dedicated to shaping the future of C3, which will support clear and transparent engagement with all affected staff from here on. I am encouraged that Police Scotland has now put in place a training programme for all new entrants, which will improve consistency across the country.

On technology, the report concludes that the interim solution is generally fit for purpose, but that poor reliability and the ability to bypass certain aspects of the system pose risks. Police Scotland plans to invest £15 million in a new information technology solution, which will be a major step forward and will, I am assured, be subject to the stronger programme management approach that is now in place. I have also been assured that Police Scotland has already put in place new processes to monitor compliance with procedures.

The need to ensure strong quality assurance is the final theme that I will touch on. Since April, the SPA has continued to monitor performance on a weekly basis. In the future, any dip in performance such as was experienced in Bilston Glen earlier this year will become quickly apparent and will trigger rapid intervention. The report confirms that a regional approach to call handling can deliver an effective service for communities across Scotland. The overall direction of the programme therefore remains fit for purpose, but management of the change programme must be strengthened.

Although I welcome the assurances that are provided by the HMICS report on quality of customer service, call handling and grading, I want to ensure that those standards are maintained and that Police Scotland delivers the required improvements. I have therefore asked HMICS to undertake a further programme of unannounced visits to call centres across the country. That programme will begin with immediate effect and will continue until the restructuring is complete. I have requested that the outcome of those visits be reported back to Police Scotland, the SPA and me, with any actions that need to be taken being clearly identified.

The report acknowledges that the Scottish Government acted swiftly on the recommendation in the interim report by making £1.4 million of new money available. That has already supported an active recruitment campaign in the north, which has attracted significant interest. The new money is also being used to deliver improved system reliability.

I will close by stressing once again this Government's commitment to ensuring that the public can have confidence in police contact, command and control functions. That is why I directed HMICS to undertake a review, and it is why I sought the earliest opportunity to update Parliament on its final report. The report includes some hard messages for Police Scotland, and I have been assured that all 30 recommendations will be accepted and actioned by it. The report provides confidence that staffing levels have stabilised in the east and west and that calls are being answered and actioned. New training is in place for all new staff, and recruitment to support

the next stages of restructuring in the north is actively under way.

HMICS has provided assurance about the capability of the regional model, and both the SPA and Police Scotland will ensure that independent checks are in place to monitor contact, command and control centres from now on and to oversee the next stages of the restructuring.

As I said in September, there are challenges, but the fundamentals of our police service are sound. The actions that I have set out today will build on those fundamentals to deliver a stronger service. Be assured that this Government will continue to work tirelessly to strengthen policing in Scotland even further.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business.

The minister has already expressed his condolences to the families of John Yuill and Lamara Bell, and I know that his sentiments are shared by all members across the chamber. I am advised that the case is now a live investigation, so I will take no further references to the particular circumstances of that tragic case. Questions should therefore relate to the report on police call handling and the minister's statement.

Graeme Pearson (South Scotland) (Lab): I am grateful to the cabinet secretary for sight of the statement prior to his making it.

Even in the language of management speak and acronyms, the HMICS report is damning. The report refers to weaknesses on 20 occasions. Two years since Police Scotland was formed, we are still seeing systemic failures in important aspects of policing. The report boasts of savings of £1.8 million on policing while admitting that the force had to spend an additional £1.4 million on overtime. That is a massive failure of strategic management. The report uses the word "assurance" on 103 occasions, but we have had numerous assurances on policing that have come to nothing.

The litany of failures that are listed in the report is extraordinary. It finds that the information technology systems offer only "basic functionality" and are of questionable stability. It identifies a lack of resources for front-line staff, weak local management and inadequate oversight of call centre rationalisation. It says that the SPA and Police Scotland have taken a "narrow approach" to the scrutiny of major projects and that there is no framework to measure the stated benefits. It finds that key staff on the project board are lacking in experience and training. It identifies a lack of staff, with those who are there reporting low morale.

Forty-one per cent of the officers and civilian staff who responded to HMICS's survey spoke negatively about the 101 service. Many improvements are needed.

On 12 July this year, the cabinet secretary blamed the M9 tragedy on an "individual failure" rather than on a lack of resources. We now know that to be completely false. Will he now—

The Presiding Officer: Can we just get to the question, Mr Pearson?

Graeme Pearson: Will he now apologise to the Bell and Yuill families—

The Presiding Officer: Please sit down, Mr Pearson.

Cabinet secretary, would you like to address Mr Pearson's other points?

Michael Matheson: Mr Pearson made reference to a number of points in the report. The important issue is that the very reason for directing HMICS to undertake the review was to provide us with assurance on the process that Police Scotland had in place for managing the change around the call centres. The 30 recommendations that are set out in the report are absolutely key—

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: We will wait until the minister has finished his answer before I take your point of order, Mr Findlay.

Michael Matheson: —to making sure that the lessons from the management of this particular area of the restructuring are learned and that the same mistakes are not made again.

What is now important is that Police Scotland implements every aspect of the recommendations that HMICS has set out. To make sure that that happens, no further steps in the reform programme on the restructuring of the call centres will be taken until all the necessary assurances have been put in place. That will be checked by not only the SPA but HMICS before any further steps are taken in this area of restructuring.

I am determined to make sure that Police Scotland builds on the progress that it has made in recent months on improving the situation within the call centres to make sure that the public can have confidence that when they contact Police Scotland their call will be dealt with appropriately and as quickly and effectively as possible.

The Presiding Officer: I will now take Mr Findlay's point of order.

Neil Findlay: Thank you, Presiding Officer. These are very important issues that every one of us has constituents speaking to us about. The

minister has just had longer to reply than Mr Pearson had to ask his question—and Mr Pearson did not have the opportunity to finish that question. I would hope that we could be a bit more tolerant in the chamber and allow the lead spokesman for the Opposition to have his say on what are, after all, extremely serious matters.

The Presiding Officer: Mr Findlay, I am well aware of the seriousness of these matters. Every Opposition spokesperson knows how long they are expected to speak for, and that is one minute and 30 seconds. I stopped Mr Pearson from going further because I had explicitly said only moments before that I wanted no references to that particular tragic case because it is a live issue.

Now, we move on to Margaret Mitchell. Ms Mitchell, you have one minute.

Margaret Mitchell (Central Scotland) (Con): I thank the cabinet secretary for early sight of his statement.

This is a report full of management speak that nonetheless reveals a system in chaos, summed up by one of the key findings—namely that the current C3 performance framework lacks detail on quality of service, cost and outcomes. That deficiency has resulted in a huge disconnect between what is happening in practice and what should be happening in theory, through—it should be stressed—absolutely no fault of the call handlers themselves.

The report is peppered with overly optimistic, unjustifiable comments about improvements already made. My question therefore is this: given that we have heard all these assurances uttered by the cabinet secretary before and restated today, what possible confidence can the general public have that call handling in Scotland is fit for purpose to ensure that history is not repeated?

Michael Matheson: I know that members may wish to question the way in which Police Scotland has taken forward the remodelling and restructuring of its call handling system, but I must say that I am somewhat surprised that a member would seek to attack the inspector of constabulary for producing such a detailed report into the matter. I do not think that that serves anybody's interests when looking at this particular issue.

The report highlights a range of areas where Police Scotland has not addressed sufficiently how it should have taken forward the change management and the reassurance that was necessary in taking forward that level of change. The report also identifies areas where there have been improvements in how Police Scotland is dealing with calls. I would have thought that any reasonable member would have welcomed the fact that Police Scotland has improved the way in which it is handling some of those calls and that

the HMICS report provides us with clear reassurance on how that is being taken forward.

What we now need to do is make sure that, in areas where Police Scotland has identified deficiencies in its management of the change, improvements are taken forward. However, I do not think that bringing into question the quality of the inspection undertaken by the inspectorate does anybody a service.

Roderick Campbell (North East Fife) (SNP): Can the cabinet secretary provide further information on the impact of the additional £1.4 million of funding provided to Police Scotland following HMICS's interim report?

Michael Matheson: One of the actions that we took after the interim report was published in September was to provide immediately additional financial support to Police Scotland in order to allow it to take forward the interim recommendation that was set out by HMICS at that particular point.

That money supported Police Scotland in being able to accelerate the recruitment of staff in Dundee as well as increase the numbers of staff that it has in its virtual service centre in anticipation of the additional workload to deal with the future change in the system. It has also allowed Police Scotland to take forward some further work on providing stability around its IT system. I expect progress to continue to be made on that work.

In addition, a recruitment campaign in the north of the country has attracted significant interest in working in the Dundee area control room. Recruitment has also allowed Police Scotland to provide additional staff for its virtual control rooms in Govan in Glasgow, in Motherwell and in Bilston Glen.

Willie Rennie (Mid Scotland and Fife) (LD): It is a shocking indictment of the Scottish Government that there were tragic deaths before the problems at police call centres were taken seriously. There was no acceptance from the minister in his statement that the Government ignored the warnings, paid little heed to the complaints from hard-working staff throughout the country and brushed aside my pleas in the Parliament.

The report is powerful. Does the minister regret not ordering the inquiry sooner? Will he finally agree to a fuller inquiry into the whole of Police Scotland?

Michael Matheson: Mr Rennie, in making the point that he raised the issue in Parliament, has given the impression that no action was taken following his comments. I specifically raised the matters with the chief constable and with Deputy

Chief Constable Rose Fitzpatrick and Assistant Chief Constable Val Thomson, who all have lead policy responsibility in this particular area. That resulted in changes in the way in which they were managing the restructuring of the call centres.

I refer Willie Rennie specifically to the findings in the HMICS report, which clearly states that significant action was taken early in the year to address a number of the issues that were raised in Parliament and the concerns that were raised with Police Scotland.

The HMICS executive summary makes particular reference to those concerns. It is clear that the issues around poor performance were identified early in 2015—as outlined at paragraph 29—and that, as a result, there has been stronger engagement and oversight from the SPA regarding evidence in those areas. The report highlights the improvements in internal governance since the spring, including the introduction of weekly reporting to address some of the issues.

I am not saying that everything has been sorted; the HMICS report identifies that further work is required. However, it is factually wrong for Willie Rennie to suggest that nothing happened from the point at which he raised the matter—indeed, HMICS has identified the improvements that occurred as a result. I welcome those improvements and the recommendations in the report, and we will build on that progress to further address the issues.

Elaine Murray (Dumfriesshire) (Lab): The HMICS report states that

“Staff engagement and consultation by Police Scotland during the C3IR project could have been more effective”;

that initial levels of C3 staffing were insufficient; and that the

“address ‘look up’ gazetteer and Police Scotland internal directory do not fully meet operational requirements.”

Staff in the Dumfries control room and their trade unions raised those very issues when the closure of the control room was announced in January 2014, but the previous cabinet secretary drove past and would not even speak to them. Why were the views of experienced staff ignored? What has the Scottish Government learned from those mistakes?

Michael Matheson: I will deal with the two valid issues that Elaine Murray raises—first, the difficulties that the contact, command and control call centres are having at present with the police gazetteer system. The HMICS report highlights that the Scottish Fire and Rescue Service and the Scottish Ambulance Service each have a gazetteer system, and it recommends that we should look at bringing the three systems together

to provide a much more comprehensive system for delivering blue-light services in Scotland. I intend to ensure that that recommendation is progressed across those services.

As I said in my statement, there is an issue in that staff feel that Police Scotland did not engage with them properly in taking forward the reform. Too much of the process was dealt with by email and through the internet, and that is not acceptable.

I have made it very clear to Police Scotland that investing in staff is as important as—if not more important than—investing in IT systems. I want to ensure that the issues that the report highlights and the recommendations for addressing them, alongside the findings from the Police Scotland staff survey, are all addressed so that staff are much more effectively engaged in the process.

The mechanism that Police Scotland is putting in place will assist staff to support that work. I want to see improvements in the areas that the member has highlighted to make sure that the valued voices of members of staff in Police Scotland can be heard and listened to.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I have a supplementary question on the gazetteer and recommendation 19. Will the cabinet secretary, as a matter of urgency, ensure that a bespoke emergency services address gazetteer for Scotland is dealt with? Paragraph 294 of the report states:

“staff told us that the internal directory was inaccurate, poor quality, inconsistent and of limited use.”

That is some indictment. That is a simple matter that should be remedied as soon as possible.

Michael Matheson: As the member will recognise, access to up-to-date information, particularly local knowledge, is absolutely vital for those in our emergency services. As the report rightly highlights, it would be prudent to consider greater collaboration and the development of a purpose-built emergency gazetteer. The report also recognises that development work is being done on different elements of our emergency services.

I will direct my officials to make sure that there is now collaboration across the blue-light services in developing a Scotland-specific gazetteer that can be used right across our emergency services in Scotland.

Gil Paterson (Clydebank and Milngavie) (SNP): In September, the cabinet secretary held a summit with stakeholders to discuss the development of local scrutiny of policing. What steps will the cabinet secretary take to further

strengthen local scrutiny of Scottish policing in the future?

Michael Matheson: That issue has been raised with me on a number of occasions. As I said in my statement, on 23 September I held a summit on scrutiny, which included members of the SPA, Police Scotland and local authorities. The next steps will be to explore the detail for improvements that have resulted from that discussion. In the coming months, the Scottish Government will work with the SPA, Police Scotland and our partners, particularly those within local authorities, to take forward those improvements.

We will also take forward our intention to review the national policing priorities. That will strengthen local policing and community engagement. Members of the public, communities and local police scrutiny committees will have an opportunity to discuss and develop the priorities when we publish them in the coming weeks.

Lewis Macdonald (North East Scotland) (Lab): The cabinet secretary talked of bringing in independent experts before any step was taken to close the control rooms in Aberdeen and Inverness. Will those experts be free to recommend that the Aberdeen and Inverness control rooms should not close if they judge that that is the best way to assure a high-quality service for the future? If not, what does the term “independent experts” actually mean?

Michael Matheson: The HMICS report does not say that the end model that has been set out by Police Scotland should not be pursued. It states that it can offer the intended service.

The purpose of the independent experts is to provide a gateway review and assurances. When Police Scotland produces its final proposals for the changes in the north of the country, they will go to independent experts to be assured that everything that is necessary to facilitate those changes can be taken forward—that all the necessary assurances are in place. The second part of that is the independent expertise that will be fed into Police Scotland by those who are expert in this type of change management.

The end model is still the approach that is being taken by Police Scotland. However, safeguards will be put in place to make sure that, before the final stage is taken forward in the north, independent expertise has been fed into Police Scotland and the SPA before they agree to the final sign-off.

John Finnie (Highlands and Islands) (Ind): I thank Mr Penman for his report and the cabinet secretary for early sight of it.

I want to pick up on Mr Macdonald’s point because my attention was also drawn to the fact that

“independent experts will be brought in to provide strong assurances”.

Language is very important and to me, as well as to many others, that reads as though decisions have been made and experts will be brought in to confirm a predetermined decision.

I read the report as being further evidence for the interim report, which suggested to me that there is a compelling need to retain Aberdeen, Inverness and Dundee call centres. Will the cabinet secretary ensure that Unison is at the forefront of meaningful consultations about this, and that nothing is predetermined?

Michael Matheson: As the member will be aware, the report does not recommend that the final model should not be pursued or that that model cannot deliver the type of service that Police Scotland intends to achieve. The intended model, which is the end point that Police Scotland wants to get to with its call centre arrangements, is still its direction of travel.

The independent expertise will put in place additional safeguards before any further steps can be taken in moving to the closure of any other control rooms at present. There will be an independent process of scrutiny to provide assurance that all the necessary steps have been taken before that change can take place.

The member asked about Unison. I welcome the statement that Unison issued today, which welcomed the report. I am disappointed that others have not welcomed the report. Unison welcomed the report and the progress that has been made in improving the situation in the call centres. I have made it clear that I expect good engagement to take place with all stakeholders as the process moves forward, including important stakeholders such as Unison, which represents many of the staff in the Police Scotland control rooms.

I assure the member that Police Scotland has been left in no doubt about the need to ensure that there is good, effective engagement with the staff side in addressing those issues.

Bruce Crawford (Stirling) (SNP): Does the cabinet secretary agree that any individual who has raised a formal complaint about police call handling since the beginning of July should be sent a copy of the Police Scotland report that was published this morning and offered an opportunity to discuss its contents at the appropriate juncture to enable the relationship between those individuals and the police to be rebuilt, strengthened and deepened? I think that that

would go some way towards helping the process move along.

Michael Matheson: HMICS has made provision to provide copies of the report to a number of individuals who have had some contact with it regarding how the police have handled certain issues around control rooms and the dispatching of police resources. If the member is aware of any other individuals who have not received a copy of the report, I would be more than happy to ensure that they receive a copy at the earliest opportunity.

The Presiding Officer: Thank you. That ends the cabinet secretary's statement. I apologise to the two members whom I did not have time to call.

Trade Union Bill

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-14766, in the name of Roseanna Cunningham, on the Trade Union Bill.

14:53

The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham): I have asked for this debate as I believe that the United Kingdom Government's Trade Union Bill presents a threat to the fundamental rights of workers and an unacceptable threat to Scotland's approach to industrial relations.

Let me cut to the chase—there is no part of the bill that we think is a good idea and we think that the whole bill is a thoroughly bad idea. It is bad for workers, it is bad for business and it is bad for Scotland. For that reason, I have asked the UK Government to exclude Scotland from the bill in its entirety. However, if the UK Government is unwilling to exclude us, I have made it clear that it should seek the consent of the Scottish Parliament before attempting to impose this ill-thought-through legislation on Scotland.

I have asked our legal advisers to explore several possible bases for a legislative consent memorandum and motion. The first of those is a letter written by the UK Minister of State for Skills, Nick Boles, on 22 October, to the lead bill committee at Westminster. That letter suggested that secretaries of state should be given responsibility for making regulations to impose public requirements on employers in their portfolios. On that basis, the Scottish ministers would be responsible for making those decisions in Scotland, for example in relation to health service bodies and local authorities.

Secondly, I am concerned about the impact on public authorities in Scotland, which are largely devolved, in particular the impact on the assets of public authorities, including their employment contracts and good industrial relations.

A third area to explore is whether the bill breaches the terms of the European convention on human rights. The arguments that have been put to me by the Scottish Trades Union Congress and, in a highly significant move, the Law Society of Scotland indicates that that may be the case.

Finally, we believe that the bill impacts on the Agricultural Wages (Scotland) Act 1949, which is a devolved area of responsibility, and in particular on the section of that act that relates to the terms and conditions of employment for workers who are employed in agriculture.

All those issues might give grounds for the Parliament to seek consent, but we must be aware that this is uncharted territory. We have never before been in a position in which the UK and Scottish Governments have not agreed on issues of legislative consent. That is indicative of the importance of the bill and, unfortunately, the lack of dialogue from the UK Government before the bill was introduced.

Ultimately, it will be for the parliamentary authorities to decide on the need for a consent motion, but the political will of the Government is clear. In my view, it is entirely right that the Parliament has the opportunity to vote on proposed legislation that I believe is aggressive, regressive and an unwarranted ideological attack on workers' rights. The bill is not supported by any evidence but is driven by dogma and is designed to undermine the trade union movement. I believe that many members who are in the chamber will share my concerns.

I am disappointed but not surprised to note that at no point ahead of publishing the bill did the UK Government seek our views on how the measures will apply to Scotland. Unless the bill is amended, it will undoubtedly have an impact on the way in which many of our public sector bodies operate in areas of devolved responsibility. The UK Government has made no attempt to understand the Scottish position or to address the concerns that we have raised. That stance was very evident on Tuesday 13 October when I, together with Grahame Smith from the STUC, gave evidence to the House of Commons standing committee on the bill, which, it has to be said, was an interesting experience worth a whole different speech. Tory members on that committee made it crystal clear that they had not the slightest interest in the potential impact of the bill and intend to legislate regardless of any consequences.

That is just not acceptable. It does not reflect a mature devolution settlement and it is one of the reasons why I have asked that Scotland be excluded from the bill altogether. Given the significant impact that the bill will have, at the very least the UK Government should have to seek the approval of the Scottish Parliament before enforcing the legislation in Scotland.

Our programme for government sets out a vision of Scotland being the best place in the UK to do business. Our economic strategy outlines our plans to develop a Scotland where everyone can reap the benefits of an inclusive and growing economy. Our commitment to fair work is central to those aspirations, and that must be built on a progressive approach to industrial relations that delivers a fairer and more successful society. Of course, that is the approach that many of the most successful European countries have taken.

Trade unions are key social partners. There is clear evidence that unionised workplaces have more engaged staff, a higher level of staff training and a progressive approach to staff wellbeing. As the cabinet secretary with responsibility for fair work, part of my role is to ensure that Scotland takes a progressive approach in the area of employment rights, which I am absolutely committed to doing. Since the start of the current Administration in 2007, industrial disputes in Scotland have decreased by 84 per cent. The Scottish trend in days lost to industrial disputes is the lowest of all the UK nations, which I believe is a reflection of our commitment to effective industrial relations in Scotland. Our strategy underlines the belief that a progressive approach to industrial relations and to trade unionism is at the very heart of a fairer and more successful society.

The proposals that are set out in the Trade Union Bill are totally at odds with that approach. My real fear is that if the bill is enacted as it is now, it will destabilise the balance of the employer-employee relationship, which will make it more difficult for employers to have their voice heard, will encourage conflict with unions and will make employees feel further removed from their working environment.

Last year's working together review, chaired by former Minister for Enterprise, Energy and Tourism, Jim Mather, highlighted the importance of unions to the success of both businesses and their workers. We have already undertaken many of the review recommendations, and earlier this year I set out how all of the recommendations would be taken forward. That included additional funding for the STUC, part of which will be used to support unions in developing their leadership capacity, which is an important sign of our commitment to supporting the positive role of unions in the workplace.

We would rather bring unions, employees and employers together in a more constructive dialogue. The fair work convention shows how we are doing that in practice, asking unions and employers to work together to develop a shared framework for fair work by March 2016. Just this week, I have received a letter from the co-chairs of that convention, setting out their concerns that the Trade Union Bill risks undermining the constructive relationship between employers and unions that forms the foundations of the fair work approach. I deeply share their reservations. The importance of employment rights must not be understated. They serve to not only protect the opportunity and dignity of individual employees, but strengthen our workforce, workplaces and economy.

In its statement on the UK Government proposals, the campaign organisation Liberty says that the bill's proposals

"represent a significant, unnecessary and unjustified intrusion by the State into the freedom of association and assembly of trade union members, undermine the right to private and family life, and jeopardise the UK's important history of supporting peaceful protest."

As Liberty also points out, it is difficult to identify any evidence for the bill proposals. Even the UK Government's own Regulatory Policy Committee has described the impact assessments that support the bill as "not fit for purpose" and highlights a severe lack of evidence to support the Tories' proposed legislation.

There is a clear recurring theme here. Far from increasing turnout and democratising the ballot system, the bill will serve only to make it almost impossible for union members to withdraw their labour, suppressing the capabilities of organised labour. Further, the bill's reduction in the mandate time of any ballot will not allow for constructive dialogue to seek mutually beneficial solutions. Instead, in all likelihood, it will deliver earlier negotiation breakdown or the taking of premature action, neither of which fosters effective industrial relations in partnership.

Employees must have the ability to demonstrate appropriately through strike action. Bringing in untrained agency workers raises health and safety risks if untrained or unqualified staff are brought in to deliver the roles of striking staff. I am appalled by the UK Government's proposal for agency workers to cover a valid withdrawal of labour. The Scottish Government fundamentally opposes bringing in agency staff to cover strike action, and I make a guarantee today that we simply will not use agency workers to do so.

We have worked hard to engender a mature, positive relationship of respect and partnership with the unions that represent public service workers where there is devolved responsibility. Concerns similar to ours are shared across the wider public sector, not least about the proposals to limit facility time in the public sector. Facility time is an essential element in supporting a partnership working approach between employer and unions, and its use varies across organisations. Employers have regularly told me about their ability to call on union reps to discuss not only big changes in the workplace but also how to manage the day-to-day business effectively, and the restrictions on facility time and check-off that are proposed for the public sector, under the guise of value for money for the taxpayer, are unfounded.

Far from offering better value, those restrictions will disadvantage our public services and those who work in them, resulting in a greater cost to the

taxpayer. That fact alone supports our position that it should be for individual employers to determine the services that they provide in order to support the type of industrial relations that they seek. Scottish ministers should be able to determine how we deliver our effective Scottish public services, and we will continue to do so.

So much of the impact that the proposed legislation will have remains unclear, and there is significant scope for abuse in future. The bill is being rushed through the Westminster parliamentary system with little regard for our constitutional interests or devolved differences. Extensive parts of the bill are to be set out in regulations with no formal opportunity for the Scottish Government or this Parliament to influence. It is almost as if Westminster is legislating for a perceived English problem—although I would dispute that it is even that—and has decided to impose its deeply flawed solution on Scotland and the other devolved nations with no regard whatever for the need or consequences. It is shoddy, shabby government.

I am sure that the majority of those in the chamber share my grave concerns. I propose that all parties stand together in opposing the bill and stand up for the working rights of our people. We will continue to support our public services and to do every single thing that we can to stop this bill.

It is essential that we work as part of a united effort to oppose the bill as it passes through both houses of the UK Parliament. On that basis, we must continue to make the case for a more positive approach. I do not think that we should be giving up on that.

As the First Minister has made clear, the Scottish Government has no intention of cooperating on a bill that breaches the rights of trade union members. But for now we must focus on getting Scotland excluded from the bill completely. If that is not possible, I propose that the Parliament should send a clear message that the consent of the Scottish Parliament should be sought before enacting the legislation in Scotland.

I move,

That the Parliament opposes and condemns the Trade Union Bill as proposed by the UK Government; believes that it restricts the fundamental rights of workers to organise, bargain collectively and, if necessary, withdraw their labour, and further believes that it will both undermine the effective engagement of trade unions across Scottish workplaces and, in particular, across the Scottish public sector.

15:06

Iain Gray (East Lothian) (Lab): I rise to move the amendment in my name and support the Scottish Government motion.

I declare an interest, in that I am a member of Unite the union. Indeed, I have been a member of a trade union every day of my adult life. My grandfather was a trade union activist and my father was secretary of his local branch.

As a teacher, I was the school representative for the Educational Institute of Scotland—the EIS—and when I worked for Oxfam I was a Transport and General Workers Union negotiating representative on the joint trade union shop, negotiating salaries and terms for thousands of staff across dozens of countries. I still keep with great pride a founder-member card for the National Organization of Teachers in Mozambique—the ONP—which was set up when I worked there in the early 1980s.

I appreciate that none of that makes me a horny-handed son of toil, nor is it meant to be what the poet Tom Leonard would call bunnet hustling. It is simply to demonstrate that trade unionism is a part of me and who I am. That is true for pretty well all my colleagues on these benches and some on other benches, too. It is true of the mining communities that I serve and the party that I represent, which was founded by a trade unionist, Keir Hardie, so that the values and purpose of trade unionism would find political expression in Parliament. It is true of Scotland, past and present.

One of the great deceptions of the attack on trade unionism that this bill represents is that it attempts to characterise trade unions as being solely about industrial conflicts, strikes and pickets. In truth, they are about the fundamental right of workers and their families to organise in solidarity with each other for the betterment of all. That wider role of trade unions is exactly what underpins the Government's working together review and the inception of the fair work convention, which the minister referred to and which brings together Government, trade unions and employers, to their credit, in a constructive partnership for the future.

Meanwhile, the Tory Government produces this bill. Whatever it pretends to be, it is aimed at undermining the capacity of trade unions to organise. Its purpose is to disable and even destroy the trade union movement, and especially public sector trade unions. After all, if its purpose were solely to limit industrial action, why on earth would it be brought forward now? Thirty-five years ago, as many as 29 million working days were lost to strike action in a single year. The total now is barely a hundredth of that, and two-thirds of strikes that take place nowadays last for only a day. The implication that the trade union movement is one of mindless militancy is just absurd.

Industrial action already requires the support of members in ballots, and the bill's attempt to

impose thresholds on those ballots—thresholds that no elected politician would countenance when it came to their own election—is an anti-democratic outrage.

Removing the ban on agency workers replacing strikers is an attempt to turn industrial relations back not just to the last century but to the one before it. Restrictions on facility time, which compromise the right of a representative to have time off for trade union work, are a naked attempt to undermine the day-to-day work of union reps in representing their members. That is a wide range of representation, including health and safety reps, trade union learning reps as well as representation in grievances and disputes.

The barriers proposed to unions collecting subs through check-off and maintaining a political fund are a straightforward attack on the capacity of trade unions to retain members and campaign on their behalf. That might well have consequences for the funding of the Labour Party, but driving a coach and horses through the convention against partisan action on party funding—a convention going all the way back to Churchill—means that, make no mistake, this is an issue not just for those unions affiliated to Labour. My old union, the Educational Institute of Scotland, is not affiliated, nor, I fear, is it ever likely to affiliate to the Labour Party, but it maintains a political fund to campaign on behalf of its members on education issues, on poverty and on cuts to public expenditure.

There can be no doubt. The bill is designed not to regulate the trade union movement but to undermine it. It is one of a suite of measures—from scrapping the Human Rights Act 1998 to gagging charities to restricting freedom of information—that add up to a wider agenda by the Tory Government to curb democratic rights and compromise civil liberties. It should be opposed in Westminster and resisted in local authorities, many of which are following Labour Glasgow's lead in declaring that they will not cooperate with the bill's measures. It should be formally resisted in this chamber, too. I agree with the minister on that. Employment law is reserved but we believe that the impact of parts of the bill on the executive competence of the Scottish Government means that the bill should require a legislative consent motion in this Parliament. That was the view of the minister when she gave evidence on the bill at Westminster and it is her view today. We agree, as do Unison and the STUC.

Like the minister, I have sought legal guidance. Patrick McGuire of Thompsons Solicitors said to me in an email this week:

"At the highest level an LCM is a means by which the Scottish Parliament can express the will of the Scottish electorate in relation to matters of Westminster legislation which impact on devolved matters or key powers of the

Parliament and Scottish Government as given to them by the Scotland Act. An LCM is not a power; it is a right to express that will. ... Standing Orders of the Scottish Parliament should be interpreted against that background.

The Scottish Government are given significant statutory and budgetary powers to employ staff. The power to employ staff and determine that staff's terms and conditions is a key executive power and an essential issue of executive competence. ...

The Trade Union Bill significantly impacts upon and undermines the Scottish Government's executive power and ... competence in relation to employing their staff in that context. Accordingly, in that context the Scottish Parliament should certainly have the right to debate an LCM on the relevant provisions of the Trade Union Bill."

I have written with that advice to the head of the parliamentary business team and asked the clerks to investigate whether an LCM would be relevant in the context of the bill. I explained why I believe that an LCM is competent and required. I propose to lodge an LCM at the earliest opportunity or indeed to support the Government, should it feel able to do so.

I believe that the chamber will say no to the Trade Union Bill this evening, but we must find a way to say no formally, too.

That Mozambican teachers trade union that I joined years ago was new because that was a country that was trying to build freedom and civil society from the legacy of colonialism. All nations that seek to build a democratic society, based on rights, know that they need strong and free trade unions. How much more then should we, so proud of our long-established democratic credentials, understand and defend the importance of trade unions being free to organise, free to act in defence of their members and free to argue for the improvement of society for all?

The trade union movement is right to reject the bill and we should stand tonight four-square in solidarity with it.

I move amendment S4M-14766.2 to insert at end

" , and believes that free and healthy trade unions are an important element of a modern democracy".

15:15

Murdo Fraser (Mid Scotland and Fife) (Con): I believe that trade unions are an important and valuable part of society, and I have written as much in the past. The trade union movement has a proud history of campaigning for workers' rights and to improve health and safety in the workplace, and of representing its members when they are in need of support. The concept of trade unions as voluntary associations is entirely in tune with Conservative philosophy. They are partners in progress in creating a stronger society—one with

good-quality jobs, fair conditions and decent levels of pay.

That said, there are real concerns about the balance between the right to strike and the misery that such an action will cause to the public, particularly when we are dealing with vital public services such as the national health service, the fire service, transport and schools. That is why the Trade Union Bill has been brought forward at Westminster.

I remind the chamber that there was a very clear pledge in the Conservative manifesto for the recent general election to legislate in this area. I appreciate that, given their track record, other parties might be confused when a Government is elected that then endeavours to keep the promises that it made prior to an election, but that is exactly what the Conservative Government is doing and if it is to be challenged for that, the appropriate place for that to be done is in the House of Commons.

This is the second week in a row that we are having a debate on a reserved issue. Whatever its merits or otherwise, the Trade Union Bill is being considered by Scotland's other Parliament, at Westminster. For the second week in a row, we are devoting a large part of Tuesday afternoon to discussing a matter that is properly the responsibility of another Parliament, where it is currently being actively debated, as the cabinet secretary said.

Neil Findlay (Lothian) (Lab): Does the member accept that the bill impacts on public services in Scotland, such as the fire service, local government and the NHS, and that this Parliament has the right to express its view on it?

Murdo Fraser: Mr Findlay is well aware that employment law is a reserved matter for the UK Parliament, as Mr Gray has just stated.

Neil Findlay: Answer the question.

The Deputy Presiding Officer (Elaine Smith): Order, please.

Murdo Fraser: I do not remember Mr Findlay's colleagues on the Smith commission arguing, when that matter came to the commission, that it should be devolved. Indeed, a wide range of people who gave evidence to the Smith commission, including employers organisations, business organisations and workers organisations, including the Trades Union Congress, argued that employment law should continue to be reserved.

Is there any reason why the Scottish Government is spending so much time talking about reserved issues? Could it possibly be because its record on devolved matters is such a dismal one? Whether in education, the health service or justice, the failures are piling up. Why are we not spending our time discussing those

matters, rather than matters that are properly the preserve of Westminster?

There are, after all, 59 Scottish members of Parliament in the House of Commons whose job is to represent the views of their constituents in these matters. Of course, perhaps the Scottish Government believes that 56—or is it 55—of those representatives are so inept that they cannot make the case stand up for Scotland, so the Scottish Government has to bypass them entirely and bring reserved matters for debate to this chamber, but this chamber should not be duplicating the work of the House of Commons.

Patrick Harvie (Glasgow) (Green): Will the member give way? *[Interruption.]*

The Deputy Presiding Officer: Order, please. Mr Harvie, do you have a point of order?

Patrick Harvie: No—I am asking whether Mr Fraser will take an intervention.

The Deputy Presiding Officer: That is up to Mr Fraser.

Murdo Fraser: No, thank you. I will make some progress. I want to get on to the substance of the Trade Union Bill.

I will deal briefly with the essential elements in the bill, just to put them on the record. The Conservative manifesto commitment was that

“Strikes should only ever be the result of a clear, positive decision based on a ballot in which at least half the workforce has voted. This turnout threshold will be an important and fair step to rebalance the interests of employers, employees, the public and the rights of trade unions.”

In relation to essential public services such as health, education, fire and transport, industrial action

“would require the support of at least 40 per cent of all those entitled to take part in strike ballots—as well as a majority of those who actually turn out to vote.”

Stewart Maxwell (West Scotland) (SNP): Will the member take an intervention?

Murdo Fraser: No, thank you.

There are numerous past examples of strikes in essential services that went ahead with a very poor level of support from members. Unison balloted its members in NHS England, including nurses, paramedics and cooks, in September 2014 for strike action. Just 16 per cent of them voted, and 11 per cent of all union members voted in favour. Last year’s tube strikes in London were voted for by fewer than one third of the National Union of Rail, Maritime and Transport Workers union members. The National Union of Teachers in England voted for strike action in September 2012 with only 27 per cent voting and only 22 per

cent of all union members voting in favour of a strike.

The important issue is that those strikes affect everyone. Strikes in education are hugely disruptive for not just children, but parents who have to make alternative childcare arrangements. Because of the public inconvenience, there is a clear public interest in ensuring that strikes that are held require substantial support in a trade union.

Iain Gray referred to the turnout in general elections, where members of Parliament and other representatives are elected. There is an important difference between general elections and strike ballots in trade unions in essential services, because everyone has the right to vote in a general election. Some people choose not to use that vote, but that is their choice. *[Interruption.]*

Christian Allard (North East Scotland) (SNP): Will the member give way?

The Deputy Presiding Officer: The member is coming to a close. Order, please.

Murdo Fraser: In contrast, everyone can be affected by strikes in essential services where only a small minority of union members have the right to call a strike.

The UK Government has made it very clear that it is happy to table amendments to the bill in order to address some of the concerns that have been raised, in this debate and elsewhere. It will be happy to do so in response to concerns that have been aired in the House of Commons, which is the appropriate forum for discussing those matters.

I have pleasure in moving amendment S4M-14766.1, to leave out from “opposes” to end and insert:

“considers that trade unions are valuable institutions in society with a long history of promoting workers’ rights, improving health and safety in the workplace and representing members when they are in need of support; notes that the UK Government was elected on a manifesto commitment to ensure that strikes can only be undertaken on the basis of ‘a clear, positive decision’ of trade union members, that union political fund payments would only be raised by a voluntary opt-in system and that reform of a number of areas of trade union legislation would be introduced; understands that, as agreed by all parties in the Scottish Parliament in the Smith Commission process and in line with the views of numerous employer, business and workers’ organisations that gave evidence to the commission, employment law is a reserved matter for the UK Parliament, and notes that the Trade Union Bill, which has been introduced to implement these manifesto commitments, is currently being considered by the UK Parliament”.

The Deputy Presiding Officer: We now move to the open debate. I am afraid that we are rather tight for time. Speeches should be a maximum of six minutes, please.

15:21

Linda Fabiani (East Kilbride) (SNP): During the Smith commission negotiations, civic Scotland called for devolution actions that covered various aspects of what we are discussing. The STUC called for the devolution of employment law, health and safety, trade union law and the minimum wage. Children 1st called for the devolution of employment rights and conditions to create a much more family-friendly employment regime. Engender and the equalities organisations called for the devolution of equalities legislation.

Unfortunately, the Scottish National Party and the Greens were not supported in those demands during the Smith commission negotiations, and as the Scotland Bill progresses through Westminster, there appears to be no wish there to change that position. We must therefore recognise where we are, with proposed legislation that, in the words of Grahame Smith of the STUC is “vindictive, unfair and unnecessary”. We have to debate that position and move forward as united as possible in the Parliament in opposing the attack by the Conservatives on

“the fundamental rights of workers to organise, bargain collectively and, if necessary, withdraw their labour”,

as Roseanna Cunningham said in the motion. Those fundamental rights have been marched for and fought for by men and women right across our land. For that reason alone, I would be opposed to the Trade Union Bill.

Iain Gray’s amendment states:

“free and healthy trade unions are an important element of a modern democracy”.

Yes, they are. The Conservative Government must recognise that, but it wishes its ideology to be unchallenged as often as possible. For that reason alone, I would be opposed to the Trade Union Bill.

The issues of ballots, picketing, opt-in, facility time, check-off and industrial action have been discussed right across the country and they continue to be discussed. Neil Findlay MSP and I recently spoke at a well-attended South Lanarkshire trades union council meeting in East Kilbride with South Lanarkshire councillors and the STUC. It was interesting that the man who chaired that meeting, John Keenan of the trades union council, was one of the three East Kilbride folk at Rolls-Royce who refused to work on the engines that would enable people to be murdered by Pinochet during his terrible regime in Chile. I have been thinking about where the Tories will go next with their legislation if they get the Trade Union Bill through. I have wondered how the Trade Union Bill would have affected the likes of John Keenan and his friends, who took that very principled and right stand against their employer and were

protected by their union. It was very obvious to those who attended the meeting that the bill is an absolutely deliberate attack by the UK Government to undermine trade unions and therefore workers. It was also obvious to them that the Scottish Government has a very different way of doing things.

The Scottish Government views trade unions as partners, not opponents. In fact, I could expand that. I do not mean only the Scottish Government, because I think that most MSPs in the chamber and most of Scotland view trade unions as part of the fabric of our society and as partners, not opponents. The Scottish Government has shown that in various ways. It has taken further action to promote the real living wage through providing funding for the Living Wage Foundation, through its public sector pay policy and through the Scottish business pledge.

The trade unions are key social partners. In fact, the Scottish Government has a memorandum of understanding with the STUC. It seems to me that the Trade Union Bill, as well as an absolute attack on workers rights and an example of the UK Government wanting to be able to ride roughshod over many things, is also an example of the UK Government seeking to interfere with devolved Administrations, local authorities and public bodies’ rights to determine their own industrial relations. It is part of a wider Tory programme to restrict employees’ rights. They have removed legal aid access for personal injury claims, made changes to unfair dismissal—a person must now be employed for two years before they can meet the qualifying period for unfair dismissal—made changes to employment tribunals and restricted access to workplace justice by imposing tribunal fees. As far as I am concerned, that is all part of the great plan. It looks as though we are going back to the dark ages. We are going back to the times that the likes of Orwell and Tressell wrote about. We have to guard against the Tory approach, because once we lose hard-earned rights, it will be difficult to get them back.

The Scottish Government has called for Scotland to be excluded from the Trade Union Bill.

The Deputy Presiding Officer: I ask the member to draw to a close, please.

Linda Fabiani: Yes, Presiding Officer. It has also been very clear from the SNP’s point of view that, while the bill progresses through the House of Commons, we will take absolutely every opportunity to oppose it at every stage.

The Deputy Presiding Officer: I am afraid that you must close, please.

Linda Fabiani: I know that most MSPs in this chamber will back us and join us in doing that.

The Deputy Presiding Officer: Thank you. I must ask members to keep to their six minutes or, I am afraid, others will lose out and be unable to speak in the debate.

15:28

Johann Lamont (Glasgow Pollok) (Lab): I declare an interest as a member of the Educational Institute of Scotland and Unite the union. I joined EIS as a young school teacher not just because I wanted to protect my terms and conditions, but because I believed that my doing so was an opportunity to shape educational thinking and opportunities for our young people. Today, we must look at what action we can take here. I commend local councils' work, which has been driven particularly by the Labour councils, on how we can protect people. This is also a matter of solidarity with people right across the United Kingdom who need the support of trade unions in their everyday lives.

When looking at legislation, it is always useful to explore its purpose. If the Trade Union Bill is the answer, what on earth is the question? As an answer, it will make it more difficult for people to be members of trade unions and for trade unions to support their members to influence, co-operate with or challenge their employers. What problem does the bill address that requires those solutions?

There are people who propose support for the bill who like to create the impression of a world of overweening trade union power, in which unions bully and intimidate employers and hold the people of this country to ransom. That may be the view that the Tories wish to create, but it is not the real world.

In the real world of work, life is different. Strikes are rare. People across our communities have been suffering the economic and social consequences of a financial crisis that was brought on not by rampant trade unionism, but by the reckless and dangerous decisions of people in our banks and financial institutions who have a huge amount of power. In the real world, many trade unions worked to mitigate the impact of the crisis by accepting cuts to conditions in order to secure people's jobs.

In the real world, people are delivering services, doing more and are stretching further when people leave and are not replaced. In the real world, people working in retail, in care and in hospitality and beyond are expected to be increasingly flexible but with fewer guarantees and less security of employment than there have been for many generations. There is increased evidence of the stress that is being felt by people who are willing to work, who continue to seek work despite

the odds but who for their trouble see their incomes being reduced through cuts to tax credits.

In the real world, the scandal of blacklisting remains unresolved. When an individual raises a problem or a concern about health and safety, the solution is not to sort out the problem but to get rid of the person who was raising those concerns.

The truth is that, in the real world, trade unions are a force for good. They ensure the importance of health and safety, they encourage partnership between employers and employees and they negotiate during difficulties. I say very gently to the Scottish Government that if it had listened to the unions—in particular the civilian police unions—we might have had fewer concerns about Police Scotland than we currently do.

The Trade Union Bill, far from improving those relationships, will break them down. Strike action represents failure, but the bill will create a further imbalance between employer and employee. The danger is that the bill will increase the complexity of complying with strike ballots and open up increased opportunities for employers to exploit technical issues around a ballot rather than focusing on solutions to the problems that have emerged in a dispute in the first place.

There is a challenge for our economy, and it is about the nature and quality of the jobs that people do. To ensure the absence of doubt, I say that the evidence shows that poor quality jobs, in which people have little control over their conditions and hours, are not just bad for people's health, but are bad for our economic performance. The evidence also shows that trade-unionised workplaces improve the quality of work. It is contrary and dangerous, and it makes no sense, to opt for hostility rather than for co-operation.

Rather than the Tory Government introducing that legislation and hastening the decline of the trade unions, it should work with trade unions to increase their membership for the betterment of our economy. I believe that the bill represents self-indulgent Tory politicking, when the truth is that working people are under real pressure and the economy continues to struggle.

The Tory Government should stop drawing cartoon depictions of what trade unions do, recognise their critical role in supporting people in good and safe work and a strong economy, show maturity and withdraw the bill.

15:32

Gordon MacDonald (Edinburgh Pentlands) (SNP): Grahame Smith, the Scottish Trades Union Congress's general secretary, addressed the SNP conference in Aberdeen last month and talked about the iniquities of the Tory Trade Union Bill,

which aims to restrict trade union activity and to impose greater restrictions on workers. He said:

“this is a bill presented as solutions to problems that simply don’t exist. We do not have a strike problem. And even if we did, that would be no reason to trample over workers’ civil and human rights.”

The bill received its second reading at Westminster and was debated in committee. SNP and Labour MPs opposed every clause. However, it was not just SNP and Labour MPs who opposed the bill. David Davis, the Conservative MP, said:

“I am particularly offended by the idea that a picket organiser needs to give his name to the police ... This is a serious restriction of freedom of association.”—[*Official Report, House of Commons*, 14 September 2015; Vol 599, col 799-800.]

The Society of Radiographers, which represents NHS professionals, said that the UK Government has

“promoted this Bill as enhancing trade union democracy. Nothing could be further from the truth.”

The bill will change turnout thresholds, and the society went on to explain that many of its

“members abstain from voting in industrial action ballots. This is a principled position they wish to take but then abide by the decision and participate. Unfortunately this Bill will no longer allow members to abstain and would instead regard them as voting against industrial action.”

The UK Government’s proposal to introduce a 50 per cent turnout threshold for industrial action ballots has been called into question under article 11 of the European convention on human rights, and Thompsons Solicitors has stated that

“It is likely that the 50 per cent turnout requirement is unlawful.”

Even the Law Society of Scotland has raised concerns about the issue. In its written evidence to the UK Parliament, it said:

“The Memorandum on Human Rights Compatibility published July 2015 did not address compatibility with European Social Charter, International Labour Organization and International Covenant on Economic, Cultural and Social Rights obligations ... We would suggest that further consideration be given to whether the Bill’s provisions comply with these ratified treaties.”

If the bill is about increasing trade union democracy, why not allow electronic voting? Newspapers regularly ask readers to vote online in order to gauge opinion, political parties use electronic voting for internal elections and millions are traded electronically worldwide on the stock market but—somehow—trade union voting alone is not suitable for electronic voting.

The Trade Union Bill that is proceeding through Westminster has no place in a modern Scotland where the fair work convention is promoting new partnership working between employers, employees, trade unions, public bodies and the

Scottish Government. Let us consider the proposal on facility time. North Lanarkshire Council highlighted that issue, saying:

“The value of facility time is well documented, enabling meaningful consultation to take place between employees and their employers and promoting good workplace relations.”

There is also the new clause on collection of union dues. Because the UK Government introduced it recently, it could not be debated at the bill’s second reading. The new clause 14 would prohibit the deduction of union subscriptions from the wages of public sector employees. The employers to which that would apply will be defined later in regulations. Companies and public bodies already allow wage deductions for a range of payments, including charitable donations, loan repayments, council tax arrestment, Child Support Agency payments, benevolent funds, welfare associations, credit union savings and staff association subscriptions. As the facility is in place for all those other deductions, it is not credible to claim that financial savings can be made if union fees are removed from the process.

When it comes to the political levy, we must remember that legislation already requires a ballot of all members before a political fund is established, and that those who wish to opt out can do so once it is established. Also, a large proportion of the Trade Union Congress’s member unions are not affiliated to the Labour Party, including the Fire Brigades Union, the National Union of Rail, Maritime and Transport Workers and the Public and Commercial Services Union, to name but a few. Those unions use their political funds for campaigns on subjects ranging from protection of public services to health and safety, and for supporting anti-fascist and anti-racist organisations, which receive the majority of their funding from trade unions. The bill is an attack on trade unions’ ability to campaign on behalf of their members and the wider community.

The STUC wants trade union legislation to be devolved to the Scottish Parliament. If it is not, public sector employers in Scotland, which have responsibility for wholly devolved areas of public service, will be prevented from managing employment relations and engaging with staff in a constructive manner.

The Deputy Presiding Officer: Will you draw to a close, please?

Gordon MacDonald: The British Medical Association believes that if the bill becomes law,

“The imposition of tighter restrictions on trade unions may have the inadvertent effect of prolonging workplace disputes, thereby making it more difficult to resolve disputes amicably.”

15:38

Willie Rennie (Mid Scotland and Fife) (LD):

The Trade Union Bill is not so much a bill to aid the operation of effective and democratic trade unions as it is a means to neuter them and to prevent them from properly representing their members. It is purely party political. It will not help to address industrial disputes, but seeks simply to undermine the Labour Party.

We believe that responsible trade unions are vital in standing up for workers' rights, improving productivity and protecting against workplace abuse and bullying. The Conservative Government is trying to solve a problem that does not really exist.

The Government claims that the bill is necessary due to the increase in strike action over the past few years. There has been a 77 per cent increase in the number of working days lost through industrial action, from 440,000 days in 2013 to 788,000 days in 2014—a figure that is higher than in previous decades. However, that is to be expected in a period of great financial difficulty, and it is no surprise that more people were in dispute with their employers over that period. To claim that it was, somehow, the result of more active and irresponsible trade unions is wrong.

It is understandable why many people believe that that argument is being used as cover for producing a series of measures that are designed to limit the power of a key Labour Party ally and to put Labour on the wrong side of public opinion, but they are wrong about that happening. Polling by Ipsos MORI in 2014 found that 77 per cent of people believed that

“trade unions are essential to protect workers' interests”,

whereas only 14 per cent did not believe that, and only 29 per cent believed that unions are too powerful.

I will reflect on the role that the Liberal Democrats have played on this issue over the past few years. The bill is almost entirely made up of measures that were proposed by the Conservatives in government, but were blocked by Vince Cable and Nick Clegg. It is no coincidence that the bill was not introduced in the past five years; we stood firm against the proposed measures. In July 2014, *The Guardian* reported that Vince Cable had opposed attempts to tighten the law on industrial action.

On 21 March this year, Vince Cable had drawn up the measures on e-balloting to which Gordon MacDonald just referred, but the Government has now dropped e-balloting. If the Government was genuinely interested in greater democracy within the trade unions, it would make it easier for trade

union members to vote, but it is not doing that and those proposals are off the table.

Neil Findlay: Does Willie Rennie find it ironic that the Tories will use e-balloting to select their candidate for the London mayoral election but will not trust anybody else to use e-balloting?

Willie Rennie: Neil Findlay is absolutely right. That tells us everything about the UK Government's priorities. The bill is not about democratisation and improving trade unions or about workers' rights: it is about trying to do down Mr Findlay's party and about trying to turn public opinion against trade unions, but I do not think that it is going to work.

A number of the measures that the UK Government is proposing would be detrimental to industrial relations. I believe in having good industrial relations to ensure better productivity and protection for workers against abuse and intimidation. It is important to have effective relationships between employers, workers and trade unions. It is wrong to put an arbitrary 50 per cent threshold in the way, and I think that that would potentially result in more legal strikes over time. It would not help to resolve industrial disputes. Someone mentioned how trade unions work actively with management to deal with industrial disputes before they go too far. If that balance of power is shifted, that may lead to even greater grievances and greater detriment to that relationship in the workplace.

On political funds, I find it difficult to believe that the Conservatives cannot come to some universal agreement about the funding of political parties. They are trying to pick off the Labour Party and the trade unions separately instead of addressing the desperate need to have a proper funding arrangement for all political parties. We attempted to deal with that in the House of Commons over the past few years, but the discussions broke down for one reason or another. If we are going to change the funding arrangements of political parties for the good of long-term interest in political parties, that change needs to be universal. I do not think that this half-cocked way of trying to resolve the funding issue is going to help.

I come to this argument from the point of view of trying to improve relationships within workplaces but also trying to protect civil liberties. I am sometimes amused to see who is against the Trade Union Bill. The British Medical Association, which is hardly part of the international brotherhood and fellowship, is opposed to the bill and is challenging it because it thinks that it will not help workplace harmony. I agree with the BMA. On the grounds of civil liberties, workplace harmony and higher productivity, Liberal Democrats will oppose the Trade Union Bill.

15:45

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): A casual observer from somewhere else in Europe might be forgiven for thinking that the Westminster Government seems determined to restrict the fundamental rights of ordinary people. That goes from monitoring everything that we do and say on the phone or online to trying to withdraw our essential human rights, which are protected under European Union legislation.

We have just learned that Mr Cameron believes that everyone ought to have the right to broadband access, just as they have the right to utilities such as water and electricity. He said:

"Access to the internet shouldn't be a luxury; it should be a right—absolutely fundamental to life in 21st century Britain."

I would not disagree with him for a moment, but that view sits very hypocritically alongside the Trade Union Bill, which is specifically designed to be restrictive. It is also rather ironic that the Prime Minister holds such a view, given that he has managed to propose a ban on trade union members voting online, as we have heard. He is saying that we should all have access to the internet but that we should not be allowed to use it to vote, which seems absolutely mental.

In my opinion, the bill is a ferocious attack on every aspect of trade unionism. It seeks to shift the balance of power in workplaces further to the advantage of employers and away from workers, whether they are union members or not. It is a fundamental attack on the core trade union activity of facility time and check-off and on the ability of unions to underpin collective bargaining with a credible right to strike. The bill will subject unions to unprecedented levels of civil and criminal penalties, red tape and monitoring by the certification officer, and it proposes to curtail unions' abilities to fund political activities and campaigns.

We in Scotland must demand a legislative consent motion at Westminster that would allow us to refuse to comply with aspects of the bill. My colleagues—and, I am sure, colleagues of members of other parties—at Westminster plan to do just that.

The STUC has clearly advocated the devolution of workplace protection law to Scotland. That includes employment law, health and safety, equalities, minimum wages and, of course, the regulation of trade unions. Strangely, both the Labour Party and the Trades Union Congress oppose that. I hope that they will change their mind on that.

As the cabinet secretary said, the Scottish Parliament will not be part of a race to the bottom

in which different legislatures fight to reduce employment legislation to gain competitive advantage. Evidence from the New Economics Foundation shows that the workplaces with the most effective unions are those that have the best productivity and the best motivated workforces. Constraining trade unions is clearly economically misguided, just as it is completely misguided from the perspective of social justice, fairness and workers' rights.

Although the Westminster Government recognises that, it does not dare to interfere with how the private sector manages its agreements with the trade unions, which means that we are looking forward to a discriminatory piece of legislation in which some workers will have rights while other workers—mainly workers in the public sector—will not.

The irony is that the taxpayers' money that the Government says that it wants to save with the bill is not its money, yet Westminster is going to instruct us on how we spend it. The minister in charge, Nick Boles, has confirmed that, under the bill's provisions, the NHS in England will be able to tell the NHS in Scotland how it can and cannot spend its money in relation to facility time and check-off. In effect, that will mean that the UK health minister will be able to tell the Scottish Parliament what it can and cannot do with its own resources. The bill is saying that the Scottish Government and Scottish local authorities should not be allowed to choose to allocate resources to promote positive industrial relations, even though those resources are entirely separate from the UK Treasury.

There is also the planned requirement for a 50 per cent turnout for a strike ballot. In the case of essential public services, 40 per cent of the electorate will have to back a walk-out before it can be legal. Perhaps I should remind Murdo Fraser that the only Tory MP in Scotland managed to achieve 39.8 per cent of the vote only a few short months ago—maybe he should just give up his seat.

Murdo Fraser: Will the member give way?

Christina McKelvie: It has clearly not occurred to the Government that many of its politicians, especially at local level, are elected on a turnout of less than 50 per cent. It has certainly not occurred to Murdo Fraser. Some Conservative MPs, including the Secretary of State for Business, Innovation and Skills, Sajid Javid, did not even get 40 per cent of the vote.

The Trade Union Bill starts from the false premise that unions are dangerous and bad.

Murdo Fraser rose—

The Deputy Presiding Officer: The member is not giving way, Mr Fraser.

Christina McKelvie: As a lifelong and proud trade unionist and a member of Unison, I know that that is not so and that trade unions contribute positively to the running of every public service and private sector operation that I have worked with. Why? Because their reason for existing is not only to seek better working conditions and practices but to co-operate with employers to create them. That is indeed a win-win situation. Trade unions want decent working practices as much as the bosses need them.

The SNP will defy any attempts to impose a bill on Scotland that the Scottish people do not want. As my colleague Chris Stephens MP put it, the bill is

“an act of first-rate bullying, only a week after describing Scottish MPs as second class, from a third rate administration, without the foresight to realise that they are sprinting towards a constitutional crisis.”

This nasty, vindictive piece of legislation is designed to water down the power of trade unions to stand up for basic workers' rights. It hits at the heart of international conventions designed to keep workers safe and ensure fair conditions.

The UK Government appointed a regulatory policy committee to scrutinise the bill. What did it say? It said that the bill was not fit for purpose. I believe that it is not fit for purpose, we believe that it is not fit for purpose, and Scotland believes that it is not fit for purpose, so let us kill this bill.

The Deputy Presiding Officer: Again, I remind members to keep to their six minutes.

15:51

Drew Smith (Glasgow) (Lab): I support the motion in the name of the cabinet secretary and, indeed, the Labour amendment, and I draw members' attention to my entry in the register of members' interests.

This Parliament was established on the back of a campaign for democracy that had the trade union movement at its heart. Without the activism of generations of trade unionists, none of us would be gathered in this place; and I know that without the support of my trade union I certainly would never have had the opportunity to serve here.

The Conservative amendment before us today states that

“trade unions are valuable institutions ... with a long history of promoting workers' rights, improving health and safety ... and representing members ... in need of support”.

If we accepted the sincerity of the Scottish Conservatives in believing that trade unions are key social partners and a force for good in society,

there would indeed be more common ground between us than the introduction of the Trade Union Bill suggests.

I have made the point here before that, although there are good employers and not-so-good employers, there is a fundamental truth borne out by the history of workers' struggles that the selling of our labour has the potential to be exploited. Trade unions are voluntary associations of individuals who simply seek to collectivise their interests in order to rebalance that potential for exploitation in favour of partnerships between groups of workers and partnerships with employers, in order to minimise the risks that exist at work: the risk of ill-health, injury and even death; the risk of exploitation through unfair wages and working practices; and the risk of insecurity of work through short-termism and the tendency to put pursuit of profit above the interests of the community.

It is sometimes said that trade unions represent a gathering of optimists, which is what my colleague Johann Lamont said, when she was leader of my party, to the annual congress of the Scottish trade unions. It is the optimists who have struggled for safer workplaces, fairer wages and decency and respect, not just for workers but for all in our society. This bill is an attack on the fundamental optimism of organising for a fairer world. It is for that reason that it is being proposed by a Tory Government that stands opposed to the advancement of working people in this country and in defence of every privileged interest that the Tories enjoy and believe they are entitled to.

To require working people to achieve ballot thresholds that the Conservatives have no intention of applying to themselves is nothing short of hypocrisy; and to do so while denying unions the ability to access the tools to achieve higher turnouts with online or secure workplace balloting is nothing short of vindictive.

The attack on trade union finances is a completely illiberal move and a direct attack on the ability of working people to achieve the aims that the Conservatives' amendment claims to support. It is, of course—Willie Rennie was right to say so—the Conservatives' ultimate hope that the result will be financial penalty to the Labour Party, which is supported by some trade union organisations and which exists to further the interests of those who bear the cost of economic injustice.

Neither the Labour Party nor any trade union, whether affiliated or not, is a perfect institution, but the proposed changes are designed to make the cause that they serve less achievable and less efficient to organise. What a poverty of ideas and what weakness of confidence in their own arguments there must be among the Tories to use

government to diminish the organisational ability of those who oppose them.

I therefore welcome the Scottish Government's support in opposing these outdated and mendacious attacks on organised labour. This Parliament was created with the aid of trade unions and the aim of improving the lot of working people. The Scottish Government's fair work agenda is an important step on that long road.

It is the lot of progressives, and of the labour movement in particular, not just to advance the cause of fairness but to continually defend each of our achievements—the achievements of generations of trade union organisers—against the continual efforts of conservatives to roll back, to look back and, if the bill becomes law, to take industrial relations back not to the 1970s but to the 1870s.

I hope that Labour, SNP and Liberal members, and other members in the chamber, will unite against the bill, but I also hope that we will do more than that. I recognise the calls from nationalists and others for the devolution of employment protection. That debate is worth having, not least because this vicious legislation makes the case stronger. Those who support that option have a job to do to achieve a consensus in favour of it, not just with the Opposition in the chamber but with those trades unions in Scotland that are unconvinced, and with trades unionists throughout Britain who seek to build solidarity against regressive law and not exclusion from it.

There is another question that those of us who will unite today in opposing the bill must consider: what will we do? I support those local government employers who have made clear that they will not pay the cost of removing check-off facilities—which is a privilege for which public sector unions actually pay the taxpayer—and nor should they be forced to abandon facility time, which is used to reduce conflict in the workplace. The Scottish Government must be clear that it will follow that lead in the national health service and across the Scottish public sector.

The Scottish Parliament must make it clear that the bill is not just bad law but a law that seeks to illegitimately interfere in the right of this place to make decisions about how public money is spent once it is in our control. To allow the law to be passed without the consent of this Parliament would be to fail to defend the power that we already have to take decisions in the best interests of those whom we represent.

For those reasons, we must demand the right to deny our consent to this desperate bill. I tell those members opposite, on the Conservative side of the chamber, that their amendment makes clear

how uncomfortable they are rather than a case for supporting the bill.

The Deputy Presiding Officer: You need to close, please.

Drew Smith: If the Scottish Conservatives allow themselves to be dragged along with this policy, they will demonstrate themselves to be not optimists but a party whose weakness is there for all working people to see: exposed, and to be opposed.

15:57

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I welcome representatives from Kilmarnock and Loudoun Trades Union Council, along with friends and supporters of the trade union movement, to the public gallery this afternoon.

I do not often read the Tory party manifestos, but I had a look at what the manifesto said about the Tories' proposed trade union reforms. There was not a single positive word anywhere about the role that trade unions can play in helping to build and create a successful economy, nor about the equally important role that unions carry out in representing the interests of ordinary working people. It is all negative language about tackling disruption and putting the unions in their place.

Even Mrs Thatcher's 1979 manifesto managed to kick off with a positive comment about

"strong and responsible"

trade unions playing

"a big part in ... economic recovery".

We know that the Tories at that time did not mean a word of it, but even they managed to utter a positive word, even if those were only weasel words.

The 2015 Tory manifesto could not muster a single positive message about the relationship that the Tories want to develop with the trade unions, nor the vital role that unions have played in championing and protecting the interests of the ordinary working person. That is shameful.

The 2015 manifesto began by promising to

"protect you"

and me

"from disruptive and undemocratic strike action".

It then rambled on about removing

"nonsensical restrictions",

which, if applied, would mean strike-breaking agency staff marching in to a place of work totally untrained and unprepared for the jobs they were taking from other people.

On top of that, the Tories stated that they were going to

“tackle the disproportionate impact of strikes”

in the public sector. That is not a Scotland that I recognise. It paints a picture of gloom and conflict that I am sure the majority of people in Scotland do not recognise, and it seems that the Scottish Tories do not recognise it either. The one-page insert by their leader in the 2015 Conservative manifesto did not even mention trade unions, in Scotland or anywhere else for that matter. We are left to assume that Scottish Tories agree with their UK pals that there is a huge problem with the trade unions in Scotland that this disgraceful bill needs to fix. That is shameful too.

Scotland does not need this bill, and Scottish Tories should not be bending over to kiss Davie Cameron’s loof on the matter. They should be supporting trade union colleagues in Scotland and maintaining the good relations that we have established here.

Our industrial relations record in Scotland has been excellent in the seven years from 2007. There has been a huge drop of 84 per cent in the number of days lost because of industrial disputes, meaning that the number is now the lowest in the UK, and we have a solid record of working in partnership with our trade unions. The fair work convention was set up to advise the Scottish Government on how to improve and innovate in the workplace, how to develop industrial relations, and to advise on fair work and the living wage. We will see its framework and proposals next March.

The “Working Together Review” report, which was published last year, focused on the positive role for the trade unions in the workplace. Many of its recommendations for things like training, equalities and change management are now coming forward to implementation. We are promoting the real living wage through our public sector pay policy, and more employers are signing up to the scheme—the figure has now topped 380. New statutory guidance came into force just a few days ago that means that those who bid for public contracts will be expected to adopt fair work practices such as paying the living wage, not using zero-hours contracts and giving workers an active voice in the workplace.

Those are just a few examples of how Scotland is progressing with a positive agenda of engagement and co-operation with our trade unions. It therefore beggars belief that this anti-trade union bill from a Tory Government should be backed in Scotland by any political party. It should be totally rejected because it is divisive and, as Grahame Smith says, it is vindictive and it is not needed. It does nothing to foster good relations and will undermine the solid progress that has

been made in recent years. Is it not time for the Tories in the Scottish Parliament to stand up for Scotland’s trade unions instead of standing up for Thatcher’s legacy of division and mistrust?

In May this year, the Scottish Government and the STUC demonstrated how co-operation should work by coming together on a number of issues. Concerns were shared about the impact on the poorest of more Tory austerity cuts and the further erosion of trade union and employment rights. There was a shared view that there should be full devolution of powers over the minimum wage, trade union and employment law. Common ground can always be found, but there needs to be a spirit of co-operation and mutual respect. That is what we have in Scotland and it is what the Scottish Tories seem hell-bent on throwing away.

There are real fears that this legislation is taking us in the wrong direction and that it will do nothing to promote the harmonious and respectful working relationship that Scotland’s employers have had with the trade unions for many years now. Councillor Hendry from the Convention of Scottish Local Authorities warns us that the bill will endanger all of this good work and might even lead to more industrial unrest; and Pat Rafferty rightly says that no bill should criminalise people for defending their right to protect themselves from exploitation.

Scotland does not want or need this bill. It is an import from a Government we did not vote for, and it strikes at the heart of what we have valued in Scotland for generations—the right to work and the right to defend ourselves and fellow workers from exploitation. I am delighted to support the motion today condemning the bill, and I urge the whole Parliament to unite in rejecting it.

16:03

Patrick Harvie (Glasgow) (Green): As other members have done, I draw attention to my entry in the register of interests as an associate member of the National Union of Journalists and a recipient of a small but very generous donation from the Fire Brigades Union at the last election.

During the past few years, Green parties throughout these islands have sought to broaden and deepen the relationship that we have enjoyed with the trade union movement. I was very pleased to welcome Grahame Smith and other trade union representatives at our most recent conference. We have found the door open to that approach of broadening our relationship, which is, I hope, a sign of the understanding that a political relationship between the trade union movement and the party-political landscape needs to be one of pluralism. The unions’ allies in the Scottish

political landscape are so many and their opponents are so few.

I was therefore pleased to join representatives of other political parties—Iain Gray, Christina McKelvie, Willie Rennie and Colin Fox—who were speaking at the rally outside a few minutes ago. I am also delighted that so many of the trade union movement representatives have joined us in the gallery. However, we will need to join them, too.

The opportunity to have a debate about this pernicious bill and to vote against it, as it is clear that we will do in substantial numbers this evening, is really important. It is important to make that argument in the Parliament—for a legislative consent motion, to which I hope that we will say no—and for those at Westminster who are able and willing to challenge the bill to do so as well. However, we will also need to join our colleagues in the trade union movement outside the Parliament over the months and perhaps years to come if the bill does in fact become law.

Others have made the case very strongly for a strong trade union membership and there is evidence from around the world that, in countries that have a high level of trade union membership, an active trade union movement and trade unions that are able to represent the interests of their members articulately and powerfully in the political landscape, those things go hand in hand with a more equal society and a better, fairer and healthier workplace for the people whom those unions represent.

There is a case for many forms of democratic workplace but trade unions are a critical part of that picture and I think that that will always be the case. The right, ultimately, to withdraw labour, to go on strike and to take other forms of industrial action is critical to having people believe that there is a good reason for them to join a trade union. Trade unions need to be strong enough to be able to act at that last resort if people are to believe that there is a good reason to bother joining them. We all have a collective interest in seeing that happen in society.

Murdo Fraser tells us that when strike action is taken, everybody in society suffers. I know that I have been inconvenienced occasionally when there has been a strike in a service that I rely on. Of course people do not like that, but we would all like it a damn sight less if we were the kind of society that operated without people's ability to take that last course of action when that final resort came. We would end up as a meaner, more selfish, more unequal and more exploitative society if that right was lost.

The bill is an attempt to strip away from people the right to act collectively, whether at the first resort or at the last, and whether in terms of the

unions' day-to-day functions in representing their members' interests and the extra levels of complexity and bureaucracy that will be piled on top of that or in terms of the barriers that will be placed in front of them when they seek to exercise that last resort and take industrial action.

Industrial action is generally a last resort. Willie Rennie told us that the number of days lost to strike action has gone up a bit in the past few years and that is true, although it went down a bit in the few years before that. Before that, it went up a bit; before that, it went down a bit. Those yearly fluctuations have gone on whether there was a Labour Government or since the Tories were put into power in 2010. However, the long-term trend shows that other than in the 1970s and early 1980s, the level of strike action and the number of days lost to strike action in the UK have been consistently low in this country since the 1920s.

We should be proud of a legislative framework that allows people to take those actions of last resort and ensures that they have the power and the authority to do so without imposing the kind of absurd thresholds that the bill imposes on them. Taken together, the 40 and 50 per cent thresholds represent, in effect, an 80 per cent threshold that a union would have to demonstrate. That comes from a Government that was elected on the votes of less than a quarter of the electorate, and no one can tell us that the actions of that Government do not impact on everybody, whether they voted for it or not.

As well as the case for legislative action—for legislative consent being withheld here in Scotland and for challenges to the bill's passage at Westminster—if the bill passes into law there will be a clear and, I would say, unanswerable case for a programme of non-compliance by the Scottish Government, giving leadership to other employers in the private and public sectors in Scotland and making sure that we have no willingness to support the legislation and that instead, we will stand with those unions that feel the need to take industrial action in defiance of it.

That is the programme that I hope this Government is willing to commit to and I will vote for the Government motion and the Labour amendment tonight.

The Deputy Presiding Officer (John Scott): We are very tight for time today. I call Bob Doris, who has up to six minutes.

16:09

Bob Doris (Glasgow) (SNP): I begin by quoting a Conservative politician, although not a contemporary one but one from 1954. I refer, of course, to Winston Churchill, who, in the presence

of Dwight Eisenhower at a White House luncheon, famously said:

"To jaw-jaw is always better than to war-war."

I think that we can all agree with that. Unfortunately, another Conservative politician, Sajid Javid, the Secretary of State for Business, Innovation and Skills, said during the second reading of the Trade Union Bill in the Westminster Parliament that this is a declaration of war on the trade union movement. That sums up precisely what the bill at Westminster is all about. It is designed to provoke industrial discord and division. It is designed to provoke our trade unions and I suspect that the aim is to go even further than the dreadful details that are in the current bill.

It is a declaration of war that effectively places workers and their union representatives in a straitjacket by denying them the ability to fight back. The irony is that Scotland's trade unions—our workers' representatives—want to talk. They want jaw-jaw and not war-war, but the bill does not even allow them the basic tools to defend themselves. The UK Government has missed the fact that Scotland is engaged in a process of embracing our trade union movement and sees the unions as key partners and stakeholders in the modern society that we all want to build. As I think Willie Coffey said, the UK Tories are dragging this country back to the worst excesses of Thatcherism and even further beyond that.

I will pick just one example of the straitjacket that the bill will place on our workers' representatives, which is the cap on facility time and the restrictions around that time off to do union business. I will concentrate on the healthcare aspects. The briefing from the Royal College of Nursing says that it is in a unique position to comment on the bill, as it has the right to strike but has never actually authorised strike action. It is not a radical union; it is a progressive union.

The briefing states:

"The RCN is calling for provisions in the Bill which enable the Minister"—

not the Scottish ministers—

"to cap facility time to be rejected".

It continues:

"Evidence shows that the current arrangements for union facility time are working well and the RCN believes that in the interests of patient care and staff welfare they should not be capped."

It goes on to say:

"Continued pay restraint coupled with the attack on workplace democracy contained within the Trade Union Bill will do nothing to improve industrial relations."

The matter is absolutely a devolved one. The RCN also says:

"We believe that this Bill poses a profound risk to productivity, morale and the delivery of safe patient care in the NHS."

This is a devolved matter to its bones. We all know it and, as far as I am concerned, it is about time that the Conservatives faced up to that and gave the Scottish Parliament the chance to formally vote against it and kill the bill.

I think that the Tories are targeting the NHS. We have already seen that the UK policy coming from London—from Jeremy Hunt and others—is to gradually pick away at and dismantle the NHS. The BMA, which has made a useful contribution to the debate, has raised significant issues regarding time off for union duties and facility time. It says that it is "deeply concerned" that the bill could be used

"to restrict the ability of unions to represent their members on a range of issues, such as resolving workplace disputes, collective bargaining and improving workplace practices."

The NHS is just one vital public sector body that will be undermined at devolved level if the bill goes through at UK level.

I should at the start have declared an interest as an on-going member of the Educational Institute of Scotland, as I was formerly a teacher. I remember that, in 2001, there was a significant debate in the EIS and other organisations in relation to the McCrone agreement, which was eventually signed. There is still debate on that. The teachers who are present will remember that there were significant arguments, but the unions approached that from a well-informed position. Representatives had time off to discuss matters and reach informed positions, and to inform their members so that they could decide whether they wished to sign the McCrone agreement. The bill would deny unions the opportunity to make an informed decision on many occasions.

I will say a little about City Building, which is a business in the region that I represent and provides an example of workers' representatives being very much involved progressively in helping in the delivery of a service. In the past 10 years, they have helped through their work to raise £50 million for Glasgow; they are actively engaged in supporting more than 400 apprentices at City Building; and they are involved with Royal Strathclyde Blindcraft Industries and employees who otherwise might not have employment elsewhere. They are progressive and they are part of the agenda to take Scotland forward. They are not the enemy; they are who we work in partnership with.

From what I can see, the UK Government is promoting in-work poverty by accelerating tax

credit cuts. It is accelerating out-of-work poverty by conditionality and sanctions on benefits, and it is now seeking to deny the basic human right to withdraw one's labour and do something about it when a right-wing Tory Government is attacking the very basis on which society is founded. That is the right to withdraw one's labour for the sake of a better life for one's self, one's family and one's community. We have to kill the bill.

16:15

Cara Hilton (Dunfermline) (Lab): As a trade unionist and a member of the Union of Shop, Distributive and Allied Workers and of Unite, I am pleased to have the opportunity to speak in today's debate. I thank the many constituents who have contacted me on the issue, the thousands who have signed my local petition to say no to the Trade Union Bill and the many trade unionists who have come along today to lobby MSPs and to listen to the debate, including members of Fife trades council.

The Tory Trade Union Bill is not just an attack on trade unions, and it is not just an attack on trade unionists and trade union members. The Tory bill is an attack on the rights of every worker in Scotland and across the United Kingdom and it is a direct threat to our rights at work—rights that trade unions have fought for and secured only through many decades of struggle; rights that we often take for granted, such as rest breaks and time off at the weekend, maternity leave and sick leave, equal pay and health and safety; and rights secured for workers today by the actions and solidarity of the generations before us.

Every trade unionist knows that the bigger the trade union movement, the better its chance to protect workers' rights. Across the UK, more than 6 million people are members of trade unions, making the movement the largest democratic organisation in the UK. Trade unions speak up for their members on maternity rights, sick pay, holiday pay, flexible working, health and safety, pensions and wages. Trade unions challenge discrimination, harassment, and bullying and inequality, in and out of the workplace. Trade unions campaign for equality, fairness and justice, at home and abroad. Strength in numbers allows unions to represent members individually at work if they have a problem, to represent members collectively to secure improvements to terms and conditions, and to campaign for a better, fairer society and for an economy that is run in the interests of working people.

That is exactly why David Cameron wants to strike right at the heart of the trade union movement. The Trade Union Bill sends out a green light to bad employers to behave even worse, by eroding the rights and, most important,

the power of working people in Scotland and across the UK.

The bill would place extreme and severe restrictions on the right to strike, making it legal for employers to use agency workers to replace striking workers, outlawing nearly half of strikes, and making already very demanding rules even more complicated. It would undermine trade unions' abilities to represent and protect their members at work by restricting facility time for reps, tying union branches up in red tape and stopping the easy collection of union dues. It would silence many trade union campaigns, stopping unions campaigning against Tory austerity and making it all the easier for the Tories to impose their cuts.

As with the Tories' attack on welfare, which hit women worst, women workers will be most affected by that Tory assault. Trades Union Congress research has revealed that three quarters of the union members affected by the most oppressive proposals are women, who are most likely to be working in our public services. For those women workers, their leverage to prevent unequal pay and discrimination and to protect maternity and other rights will be dramatically reduced by the bill.

The bill is a direct attack on workers across the UK and we must all unite to resist it. Scottish Labour will stand shoulder to shoulder with the trade union movement. We will oppose the bill and fight it every step of the way. Labour-led councils have led the way in saying that they will refuse to co-operate with the Trade Union Bill, and I hope that every Scottish council will say the same. We must use the powers of the Scottish Parliament to resist the bill in every way we can. I am pleased that the cabinet secretary is pursuing a legislative consent motion, and I hope that that will be introduced at the earliest possible opportunity.

We must resist the bill across the UK, too. I am pleased that Labour, SNP and Lib Dem MPs will unite against the bill in Westminster later this week, because trade unionism is, above all, about solidarity. One of the most popular trade union slogans is, "The workers united will never be defeated," and that slogan is central to trade unionism. Breaking the bond that a worker in Dunfermline shares with a worker in Doncaster or Derby strikes at the very heart of the trade union movement, where an injury to one is an injury to all.

As Jeremy Corbyn stated in his letter to the First Minister last week,

"by showing that this Bill can't be enforced in either Scotland or Wales, we will expose it as legislation that is ill conceived, poorly drafted and unfit for purpose".

We have already seen the pressure on the UK Government starting to pay off, with the dropping of the plan to ban unions from publicising protests and pickets on social media. If the Scottish Government makes it clear to Westminster that we will not comply with the bill, that will add to the growing pressure across the UK.

The bill must be stopped. It is unfair, it is unnecessary and it is undemocratic. It is an ideological attack on trade unionism. The bill is about shifting more power directly into the hands of employers, making it virtually impossible for workers to take strike action, and leaving working people with little or no power to prevent employers from imposing cuts in pay and conditions or to jobs and pensions.

The bill flies in the face of the partnership approach that has been embraced by many trade unions and employers, not just in Scotland but across the UK, promoting fairness at work through dialogue rather than confrontation.

The bill is

“an outdated response to the challenges of the modern workplace”.

Those are not my words, but the words of the Chartered Institute of Personnel and Development.

We must fight the bill every step of the way—in our council chambers, in Holyrood and at Westminster—and we must use the powers that we have to resist the bill should the Tories succeed in forcing it through.

In 2015, when millions of people are employed on zero-hours contracts, when women continue to be paid less for doing the same jobs as men, when the Tory Government deems it acceptable for younger workers to be paid less than the going rate for the job, when so many people continue to be denied a living wage and when 20,000 workers die every year due to accidents at work, strong trade unions are more important than ever.

Trade union values are more important now than they have ever been. Today, I hope that we will unite and send a clear message from the Scottish Parliament to David Cameron and his Tory Government. We reject his plans to attack our rights at work. We reject his plans to undermine the solidarity and unity on which trade unionism depends. We will refuse to implement this bill in Scotland where we can. We will work alongside the trade union movement throughout the UK to stop this vicious attack on our rights at work and to say no to the Trade Union Bill.

16:22

Gil Paterson (Clydebank and Milngavie) (SNP): As a member who represents Clydebank,

a town that is rich in trade union history, it is a pleasure to be speaking in the debate. However, like many of my colleagues, I just wish that I was doing so in more positive circumstances.

Clydebank has a place in history when it comes to unions. Who could forget the efforts of Jimmy Reid and his fellow workmates in the 1971 Upper Clyde Shipbuilders work-in? That organisation by the workers saw the Tory Heath Government relenting and keeping two of the yards open. Alas, the shipyard at Clydebank was sold. However, the example that was set by Jimmy Reid and the workers of UCS highlighted the effectiveness of trade unions in organising their workforce, gaining public support and campaigning towards a positive outcome. The Conservatives clearly feel threatened by the examples of history. If Jimmy Reid were alive today, he would be campaigning on the steps of Westminster against the bill. However, he would not be surprised by the contempt that the Conservative Government is showing for trade unions.

The bill is an attack on workers and will make it considerably more difficult for employees to have their voice heard. The bill is also an attack on the fundamental right of employees to withdraw their labour—a right that is enshrined in a range of international conventions.

However, the bill is not only bad for trade unionists and workers, it is bad for business. Most folks here know that I own a family business, which my son now runs. We have close to 50 workers, and we regard them as gold dust. Moreover, when we work hand-in-hand with workers and give them ownership of decisions on a day-to-day basis, engage with them more as partners than employees and engage with them in order to work out solutions to problems together, it is the workforce that gets us out of problems when hard times come—and, by God, hard times will come.

Neil Findlay: Gil Paterson is making some really good points. However, in order to show us a great example, could he tell us which union is recognised in that workplace?

Gil Paterson: No union has ever approached me. If they approach me, they will be welcome. I run something closer to a co-operative than a business. That is only possible if we work with and trust people as equals. The bill is therefore madness, and will cause division where none exists.

In countries that are high-wage economies and which, coincidentally, have worker participation at management and boardroom level, companies and the country as a whole are the most successful on almost every measure. They have better health and safety records, better conditions

for employees and fewer days lost to absence. Why not copy their success? Why cause conflict? It makes no sense on a business basis, never mind on a trade union basis. Essentially, this attack on unions is removing mechanisms of protection that workers still have against the Tories' wider programme to restrict human rights, including changes relating to unfair dismissal and restrictions on access to workforce justice.

The SNP and the Scottish Government have consistently shown their support for employees' rights and the work of trade unions—so much so that the Scottish Government, as part of its economic strategy, established the fair work convention to provide it with independent advice on matters relating to innovative and productive work places, industrial relations, fair work and the real living wage.

It is worth saying again that Scotland's commitment to the effective workplace, as described, has ensured that the number of days lost to industrial disputes decreased by 84 per cent between 2007 and 2014 and is the lowest of all of the UK nations. I wonder why. Unfortunately, the proposals that are set out in the Trade Union Bill would jeopardise that positive record and undermine the progress that has been made through the positive partnership that the Scottish Government has built up with the unions over a number of years. Again, I suspect that the Tories wish for that to happen.

The SNP and the Scottish Government consider trade unions and the workforce to be key social partners and not opponents. We want that to remain the case: so, in my view, would any decent business. Therefore I ask Parliament to support the Government's motion.

16:28

John Pentland (Motherwell and Wishaw) (Lab): The establishment of the rights of working people and improvements in their working conditions have been the result of centuries of struggle against oppression. The biggest advances in workers' rights have always been achieved as a result of working people organising, through trade unions and their precursors, and as a result of the engagement of the labour movement in parliamentary action. It is worth reminding ourselves of those advances, which include better pay, the five-day week, shorter working days, parental leave, workplace pensions, health and safety improvements, sickness benefits, paid holidays, and better housing, education and health services.

Such advances have almost always been resisted at some stage by the Tories, by their friends whose wealth is derived from the sweat

and toil of working people and, not least, by their friends in the media. If it was down to them, we would still have child labour, outrageous gender inequality with women getting the sack because they got married or became pregnant, no minimum or living wage, no security of employment, no redundancy schemes and no laws about unfair dismissal or a right to organise.

I am not saying that the Tories have never supported improvements; it is just that when they do, they have generally already lost the argument and are trying to save face and credibility with a façade of caring about workers' rights. With the Trade Union Bill—and with the Tories having lost their Liberal chains—that façade has well and truly slipped.

Leading human rights groups have called the bill “a major attack on civil liberties”,

but it is one that Margaret Thatcher would probably have been proud of. We are, of course, still suffering from her legacy many years on, particularly in areas such as Motherwell and Wishaw, where the exemplary organisation of working people in the steel industry was seen as a threat that had to be countered, as were the miners, by hatchet man Ian MacGregor.

Put simply, the money grabbers and free-marketeers regard trade unions as an obstacle to free markets and profits—in other words, to their ability to make as much money as possible without being obstructed by workers who dare to demand safe working conditions and a fair share of the fruits of their labour in order to provide a decent life for themselves and their families.

The Trade Union Bill as currently drafted will take us back to the dark ages. It will make it much harder for workers to stand up to employers and assert their rights. Among the provisions are the extraordinary powers that will be given to the certification officer—the Government regulator for trade unions and employers associations. As TUC general secretary Frances O'Grady said, the certification officer will become “investigator, judge and jury” with trade unions being made to foot the bill—not to mention the £20,000 fine for crimes such as not wearing armbands on picket lines.

Even some Tories think that the bill is over the top. Tory MP David Davis has compared some of it to what happened in Spain under Franco's fascism, such as the requirement for pickets to give their names to the police force.

Business associations are worried that it will backfire on them, having warned that it could have “unintended consequences”. Employment agencies oppose provisions that will allow temps to be used as scabs. That, of course, will be less likely to happen when it is required that 50 per

cent of the membership must vote in a ballot to strike, while the means of voting are also heavily restricted.

I am happy to see that the Convention of Scottish Local Authorities has voiced its opposition. Labour councils including North Lanarkshire Council are saying that they will not comply with the legislation. It has been joined by North Ayrshire Council, which has said that it will defend and support check-off arrangements as part of its collective and contractual arrangements with unions, and that it will not use agency staff during industrial action. We need that attitude to prevail right across the public sector, so I hope that the First Minister will follow her mother's lead and ensure that all public bodies do likewise, with the Scottish Parliament refusing to grant the bill legislative consent.

The Trade Union Bill seeks to turn back the clock on workers' rights, but the truth is that there are still too many sectors in which they have barely entered the 20th century, let alone the 21st century. Rather than diluting workers' rights, we should be adding to them.

My granddaughter recently applied for a part-time job with a local hotel. She was interviewed and clearly met its requirements. Then came the crunch: if she wanted the job, she would have to come in for a trial period during which she would have to work for nothing. She responded as we would expect. That shows that if employers think that they can get away with it, they will exploit their workforce. Trade unions are weak in the hospitality sector, so that is what happens.

We need stronger, not weaker, trade unions. We need stronger, not weaker, workers' rights. We need better health and safety, action on blacklisting, action on zero-hours contracts, and people to be paid the living wage. What we do not need is this Trade Union Bill.

16:34

John Mason (Glasgow Shettleston) (SNP): In any modern democratic society, we need balance among different groups. That is as true of the relationship between employers and employees as it is of those between other groups.

Some people would say that there have been periods in my lifetime in which employees have had too much control and managers have been unable to manage. If that has happened, it has been very much the exception, rather than the rule. Even without the bill, we currently see a great imbalance in favour of owners, shareholders, employers and management at the expense of employees—especially at the expense of poorly paid employees.

I do not see the debate and the bill as isolated incidents. They come against a background of a great divide in our society. The wealthy get more and more while poorer people, whether or not they work, get less and less.

Neil Findlay: I do not want to be divisive, today of all days, but will Mr Mason elaborate on his point that there was an imbalance in favour of working people? When did that happen?

John Mason: There was a time—certainly when I was younger—when some people at least claimed that. My point was merely that. My main point is that there needs to be a balance between employees, employers, management, shareholders and so on, but there is not a balance at the moment. We are a hugely imbalanced society. Society was more balanced in the past, and I certainly hope that it will be more balanced in the future.

The proposed legislation is yet another example of the strong getting stronger at the expense of the weak. I did not initially plan to speak in the debate, but as I have looked more into the proposals, it has become clear that the bill will harm workers' rights. I believe that it will damage the economy as a whole in Scotland.

The proposals that are outlined in the bill are not, as I see them, intended to make the process of striking more democratic or transparent. Instead, the bill is purely an ideological attack on workers' rights to collective organisation and bargaining. It will lead to a worse imbalance of power in the workplace and it will harm the relationship between employees and employers at a time when that relationship is a key to our future prosperity. I think that the cabinet secretary mentioned that other countries seem to have achieved that balance and that relationship much better.

Trade unions perform a number of roles in a society like ours—for example, in promoting health and safety, as the Conservative amendment correctly states. As part of my casework for constituents, a number of constituents come to me with workplace problems. My first questions to them are, "What union are you a member of?" and "What is its position and what is it doing about the problem?" Sadly, fewer employees seem to be members of trade unions these days. That can cause a real problem when an issue arises at work.

Not every union member will be happy with the line that is taken by their union representatives or their leadership in every single case, of course, but I believe that both management and employees benefit when there is a clear forum for dialogue and it is clear who is representing whom. That is what trade unions do. Unions provide a

vital role in ensuring that the voice of the employees is heard alongside the voice of their employers. However, the bill would make it much more difficult for trade unions to provide their members with the organisation and support that they need.

Robust unions also help to reduce levels of inequality in society. We must therefore, if we are serious about making our country a fairer place, welcome the role that unions play.

A recent report that was written by the New Economics Foundation independent think tank and the University of Greenwich entitled "Working for the economy: The economic case for trade unions" highlights the important contribution that unions play in the economy. It estimates that up to £27.2 billion has been lost due to the decline in wages as a share of national income by almost 10 per cent between 1975 and 2014. It found that unions have a positive impact on the economy as a whole due to their work in ensuring that employees are paid fairly for their work, which obviously increases demand in the whole economy. I whole-heartedly agree with that. In the absence of the power at Holyrood to set a minimum wage, the unions must be free to pursue the best deal for their members. In the long run, that will benefit employers, as well.

One of the most concerning aspects of the bill for most unions is the imposition of arbitrary ballot thresholds for strike action. The right to strike should be respected in a free and democratic country. Many progressive policies that we have today, such as the five-day week and the minimum wage, were earned through industrial action. Some unions have noted that the attack on the right to strike may well lead to longer and more drawn-out action, as trade unions are forced to ensure that they will meet the threshold so that the action is legitimate. All in all, that looks like a recipe for poorer industrial relations rather than a recipe for better ones.

As has been mentioned, many of us politicians, including some Conservatives, would not have been elected on the thresholds that are being proposed for trade union ballots. I was elected on a 37 per cent turnout. I assume that, to Conservative thinking, there should be no MSP for Glasgow Shettleston, because the turnout was so low.

The UK is one of most unequal countries in the world, and the restrictions that are proposed in the Trade Union Bill will, in all likelihood, only exacerbate the problems that we face. Once again, we find ourselves having to react to misguided laws that are being forced on us by an out-of-touch party that is not representative of the people of Scotland.

16:40

Hugh Henry (Renfrewshire South) (Lab):

Members might be wondering what the point of trade unions is. After all, if Murdo Fraser can say that they are "partners in progress", we could reasonably say, "The job's done, boys and girls—just toddle off home. We're all part of the big society; we're all one nation Tories. We don't need these out-dated, old-fashioned concepts; we're all 'partners in progress'". Yet, if we look at what is happening not just in this country but around the world, members might reflect that there is a need for trade union organisations. When ordinary men and women are faced with injustice, oppression, danger and living standards that leave them in poverty, we know that they need to do something.

When we look at some of the tragic accidents in countries such as in Bangladesh and India, and at the conditions that workers in countries such as the Philippines or Indonesia are often in, we see that they are often producing products for companies that are located in this country, whose directors are often members of the Conservative Party, who are supporters of hedge funds and who make a fantastic living out of those products. Members will wonder why it is that, if we are all "partners in progress", individuals in those countries are left so vulnerable and open to exploitation.

We can then reflect on this country. It was not so long ago when many workers in this country had to suffer and endure the similar conditions of unsafe working practices, poor pay and living in a society where there were no additional benefits. In this country, because workers organised, it was through the collective strength of the trade unions that workers were able to ensure that, when they went to work in the morning, they were relatively safe at work. It was through that collective organisation that there was a political expression that said, "You know something? As well as going to work to earn our sustenance, we actually want to make sure we have a decent house to live in, we want an education for our children, we want a health service that we can fall back on when we are ill, and we want pensions in our retirement." The trade unions in this country organised in the workplace and said, "We need a political expression for our activities."

To some extent, the job has been done. Much of what I accept as normal in my life has come about because of the organisation, determination and struggle of men and women over many generations. Unfortunately, we will take for granted and at our peril what we have achieved. I cannot say that the sons and daughters and the grandsons and granddaughters of many of my constituents have the same security that I had during my working life. They are now more

vulnerable than ever before to low pay and to exploitation.

In some industries, we see trade unions that are weak and underrepresented. We can therefore see what the Conservative Government is trying to do: to make the exploitation and the pay and conditions that we see in many fast food outlets or other such organisations the norm in order to make Britain and Scotland competitive in the world.

That is why the Conservatives want to make life difficult for unions such as the Communication Workers Union, which organises postal workers and many communication workers in call centres across the country, when the union says that there is a problem with the weight that its members are asked to carry on their day-to-day deliveries, or that there is a problem with the shifts that its members are asked to work. That is why unions are so important in protecting the health, not just the pay, of their workers.

That is why unions such as USDAW do not just represent shop workers in the workplace. That is why they believe that they have to fight on the political front as well and why they wage campaigns such as the one that USDAW is running just now—freedom from fear—in which it states that it wants protection for its members who are attacked for doing the job that the Scottish Government asked them to do in refusing to sell alcohol to people.

That is why, quite rightly, trade unions have an expectation that there should be no double standards—that we do not hear warm words of support today about the right of trade unions to support their members and then turn our backs on them when we can do something to help in their moment of need.

I am glad that there is strong level of solidarity and support against the Trade Union Bill today, but we all need to look to ourselves to make sure that we put into practice what the trade unions are struggling for in their workplaces day in and day out. We need to make sure that the bill is put into the bin of history.

16:46

Sandra White (Glasgow Kelvin) (SNP): I greet and welcome the many members of trade unions who are in the public gallery today.

Linda Fabiani said in her contribution that we are where we are and we have to get on with it. Murdo Fraser told us in his contribution that, as far as the Tories are concerned, the Scottish Parliament has no mandate on the Trade Union Bill. I hope that Murdo Fraser and others have been listening to the contributions from all the

other parties during the debate. He will realise that the Scottish Parliament does indeed have a very big mandate on the bill. I will come back to that later in my contribution.

I was a member of the USDAW trade union—there seem to be a number of its members here—and I was also a shop steward. I took great pleasure in representing my members. We did not win everything that we set out to do, but we certainly won a number of cases. It was very much a collective contribution from all our members.

Of course, trade unions represent their members when they go on strike and so on, but I want to talk about the bigger picture of what trade unions do. When I was a union member and shop steward I learned that trade unions put people through college and send representatives into schools. The trade union movement is fantastic, and we should not forget that.

I am deeply worried by the Trade Union Bill, because it makes me wonder where the Tories will stop. We have talked about collection of union membership moneys. I remember trade unions helping people with their fees for higher national diplomas and higher national certificates. I remember the trades council meetings that I used to attend and the many friends that I made and still have in trades councils. To me, it was a huge strength of the trade union movement that the union was not just there on the shop floor but involved in educating the workers. It would be deeply regrettable if the Tories went down the road of restricting such activity.

I thank Linda Fabiani for talking about the STUC, and I say for the benefit of Murdo Fraser and the Tories that I hope that they check the *Official Report* of her speech, because some of the things that Murdo Fraser said in his opening speech do not stand up. The STUC repeatedly said that it was in favour of devolution of employment law in its submissions to the Smith commission. It specifically called for

“The devolution of employment law, health and safety, trade union law and the minimum wage”.

It would be wise if Murdo Fraser checked what the STUC actually said.

We also know that the First Minister and the STUC had a meeting, and it was highlighted that the Scottish Government and the STUC share the view that the UK Government should, as a priority, agree to the full devolution of powers over employment law. I should also mention the memorandum of understanding between the Scottish Government and the STUC. I would have hoped that everyone here would agree that that is the way forward, instead of the retrograde steps that are being forced upon trade unions by the Tory Government at Westminster—a Government

that, we should remember, does not have a mandate from the people of Scotland.

I thank the cabinet secretary for what she said in her opening remarks about Scotland being excluded from the bill and a legislative consent memorandum being brought to this Parliament to ensure that it has the power to vote against the bill. As Dave Moxham said earlier at the trade union rally outside the Parliament, we in Scotland could show the way. I am pleased that Drew Smith, in his speech, recognised that we in the Scottish Parliament must work together not only to defeat the bill but to give all our workers a better future. We work best by working together.

Trade unions are far too important to be used as a political football. We represent the workers out there and we have a right to put forward the best interests of the trade unions. We need to make sure that the bill does not go through and that the Scottish Parliament has the powers to defeat it.

16:51

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I rise to support the amendment in the name of my colleague Iain Gray, but first I declare an interest as a trade union member since 1976, a former shop steward and a member of the GMB union since 1990.

Having listened carefully to Murdo Fraser's speech, which consisted mainly of him telling the Parliament how reasonable it was for the Conservative Government to introduce its Trade Union Bill, and having considered the Conservative amendment, which is couched in moderate terms, the casual observer might be forgiven for wondering why Scottish Labour and all the other parties in the Parliament are making such a fuss.

Here is why. In truth, the provisions in the Conservative Government's bill undermine

"workers' rights to representation and their right to express an opinion through industrial action which is taken as a last resort."

Those are not the words of the STUC or the TUC; it is the considered opinion of the British Medical Association, which is a politically neutral, professional association and trade union that represents around 16,000 members in Scotland. It does not have a political fund and is not affiliated to any political party, or to the TUC or the STUC for that matter. However, the criticisms of the bill that are made by the BMA mirror in many respects the fundamental concerns that have been raised by trade unions that are affiliated to the TUC and STUC.

Let us take, for example, the provisions that seek to introduce ballot thresholds, which are in

clauses 2 and 3 of the bill. Despite the Tory Government's claims that the measures are not an attempt to ban industrial action, the purpose of the double threshold is clearly to make it more difficult for unions to organise industrial action. As we have heard, clause 2 would require a minimum threshold of a 50 per cent turnout in all industrial action ballots. Clause 3 goes further, introducing an additional barrier that would mean that 40 per cent of the eligible membership would have to be in favour of action in specified public services before any action would be legal.

That would mean that a trade union would need 50 per cent of members to take part in a ballot and 80 per cent of that number to vote in favour of industrial action before it would be legal. How many Tory MPs could pass that test? The BMA is right when it says that the ballot thresholds in the bill are

"arbitrary, unnecessary and inappropriate"

and that introducing such a threshold for each individual instance

"undermines workers' fundamental right to strike".

The provisions in the bill follow the pattern that is set by clauses 2 and 3. They are ideologically motivated, blatantly partial and essentially vindictive. The attempt to restrict facility time is another case in point. Unions are concerned that the measures would restrict their representatives' ability to represent their members and that, as the RCN has stated—it is another predictably non-political organisation—they

"seek to solve a problem that does not exist".

We all want to see modern, constructive industrial relations regimes in which there is a proper balance between the interests of the employed and those of the employer. However, the bill, which is clearly weighted against trade unions and their members, will instead stoke up grievance and foment unnecessary dispute. It is, in short, a bad bill.

Despite Murdo Fraser's nuanced but essentially disingenuous amendment, the bill's provisions form a less than subtle attempt to smash the trade union movement and finish off Mrs Thatcher's work. It is for that reason that we must use all the democratic means at our disposal to kill this anti-trade union bill stone dead. Scottish Labour will not stand by and allow working people's hard-won rights to be swept aside by privileged, smug old Etonians.

I am proud that Labour-led local authorities and others have pledged not to co-operate with attacks on facility time or check-off and that they have committed to oppose the use of untrained agency workers to break strikes. I applaud my colleagues at Westminster and in Cardiff who have taken a

principled position against this unjust legislation. I also note the strength of the minister's opposition to the bill and her attempts to exempt Scotland from its provisions, which are welcome. I hope that an LCM can be worked on and brought forward.

Free democratic trade unions have been a civilising force in society. They are responsible for equal pay legislation, maternity rights, health and safety at work, holiday pay, paternity rights, the minimum wage, the living wage and so much else that constitutes progress in the workplace. The Tory Trade Union Bill is a vindictive hotchpotch that attempts to take us back to the early years of the previous century. It must be defeated by positive, concerted political action, so let us all unite with our constituents and ensure its failure.

16:57

Chic Brodie (South Scotland) (SNP): It is paradoxical that we are considering limited further powers for the Scottish Government but are entertaining in this debate a proposed taking of free democratic powers from our workforces and trade unions. I am delighted to be taking part in the debate, and I do so wearing a tie that was given to me by the GMB, which I am proud to wear. I say to some that they should never judge a book by its cover.

When oh when will the UK Tory Government lay aside its tribalism and recognise that there could be benefits for all—financial benefits, the uprating of skills and talents, the securing of fair work practices and so on? Those things will be achieved only when the Government's tribally driven conflict is laid aside and it applies itself to developing good working relationships, which the bill as proposed will tear apart.

The facts provide me with a conundrum. In the workplace, in the private and public sectors alike, labour and capital—those who own revenue and are responsible for its disbursement—should and must be partners working together. Yet, it is thought to be okay for the owners of capital to move money at a whim and to withdraw that which they own from any exercise or complex. If it is all right for the owners of capital to withdraw it or distribute it at will, so must it be for the workforce and their labour. However, we do not want that. Rather, with a proper understanding and acceptance of the need for practically trained and beneficial management and strong employee representatives in the workplace, we can achieve a much better arrangement. In the current circumstances and with that objective in mind, the bill is shown to be a nonsense and unnecessary.

If the bill is passed, we will continue to have conflict or the potential for it. That is why it is a disgrace and it must be killed. If it is not, Scotland

should certainly be excluded from the bill's provisions and given the opportunity, in consideration of our known propensity for community empowerment, to extend that to the workplace through the participation of the trade unions in decision making, thereby securing consistency of practice and fairness across the sectors.

In the past few years in Scotland, there has been a closer relationship and more discussion with trade unions nationally and locally, which has resulted in fewer days of industrial action compared with the rest of the UK. In the past seven years, the number of disputes has decreased by 84 per cent, and I believe that improved communication, problem resolution and personal relationships, along with agreed joint positive actions, have contributed to that.

The Trade Union Bill flies in the face of our continuing that progress and creating progressive workplace practices, meaningful workforce and union engagement, and innovation, and it therefore flies in the face of increasing productivity and enhanced employee commitment and compensation. What we need is good management and leadership, and agreement of people and practices across the workplace. I am talking about practices that are far from understood at Eton, at Oxford or in the Bullingdon club. Scotland should be allowed to continue to be ahead of the curve on this issue.

The bill will do nothing to cement good relations, and it will do nothing for fairness and democracy. For example, in setting a requirement that in certain essential public services 40 per cent of those who are entitled to vote must be in favour of industrial action, the Tory Government forgets that it is creating welfare mayhem on the back of public support of less than 40 per cent. It is interested in conflict, not partnership, and industrial aggression, not peace. That is the Tory Government's byword for industrial relations. Making unlawful picketing a potential criminal offence is intimidatory; increasing the notice period that is required prior to industrial action is confrontational; and the prescribing of detail that must be included on ballot papers is absolutely unnecessary.

I repeat that the bill is a symbol of tribalism and a totem of conflict and, as such, it negates the positivity and cohesion that there can and should be in industrial relations. In paragraph 2 of the explanatory notes, the bill is described as

"legislation to reform trade unions"—

it does not do that—

"and to protect essential public services against strikes."

Given the way in which it is drafted, it will not do that, either.

The bill is also said to allow the UK Government to pursue its

“ambition to become the most prosperous major economy in the world by 2030.”

The UK Government must be daft: as it is conceived, the bill will have the very opposite effect. That goal will be achieved only through collaboration, a redrawing of a meaningful strategy for employee relations and participation in decision making. It is best that responsibility for this area be moved to Scotland so that we can get on with that job.

The Deputy Presiding Officer: We come to the closing speeches.

17:02

Gavin Brown (Lothian) (Con): I will start by reiterating some of the comments that my colleague Murdo Fraser made and, indeed, the wording of our amendment. Patricia Ferguson described it as disingenuous, but I take issue with that quite strongly. We thought carefully about what amendment we would lodge. We reflected on the contents of the bill and on previous discussions and writings by Murdo Fraser on the subject of trade unions, so our amendment says exactly what we feel about the valuable role that trade unions have played in the past and that I believe they will continue to play in the future.

Patricia Ferguson: Will the member give way?

Gavin Brown: In a moment.

As we have heard, trade unions have played a very important role in the promotion of rights. They have also played an important role in health and safety. Hugh Henry asked whether that job was done and he concluded, quite rightly, that it was not. There are still far too many people who are intimidated, injured or, indeed, killed at work, and trade unions have a critical role to play in addressing that in the future.

Patricia Ferguson: I thank Mr Brown for giving way, but he has made my point about his party's amendment being disingenuous, because it is not possible to say those really good things about trade unions, all of which are true, and at the same time be part of a party that is trying to pass legislation that will completely and utterly neuter them.

Gavin Brown: I think that there was a bit of hyperbole there. It is perfectly plausible to believe in the strength of trade unions and to promote the excellent work that they have done and will continue to do, and also to believe that many parts of the bill will improve the balance between employers, employees, trade unions and the general public.

To say that we are trying to neuter trade unions is hyperbole that may fit well in the debate and go down well in a public meeting, but I certainly do not believe that it is true. Iain Gray said that the bill is trying to disable and destroy the trade union movement, but I do not accept for a second that that is what the bill is trying to do. It would be awful if the bill ended up doing that because, as I said in my opening remarks, the trade unions have a critical and key role to play.

What has driven the bill? We have heard quite a lot of hyperbole during the debate and things that I think are simply not true, such as that the bill will undermine the right to family life and make it more difficult to become a member of a trade union, but it does not talk about that at all. Willie Rennie said that the bill is purely about beating the Labour Party and Chic Brodie said that the bill is a totem of conflict, but I do not think that those claims are true at all.

Some legitimate concerns have been put forward quite effectively by a number of unions and by a number of members, at least in parts of their speeches today. That approach will bear far better fruit and we will end up with a bill that is better and stronger than the one that we have today. Like any bill, it is not perfect and has clauses that could be improved. The Government has made it clear that it is open to amendments; indeed, it has suggested one or two already.

What is driving the bill is that, as a number of people have commented, we have to balance carefully the interests of not just employers, employees and trade unions, but a group that has barely merited a mention in the debate. Barely any speaker has mentioned the general public. That is the group that I think is behind the bill, because it is the general public that ultimately bears a large part of the brunt of an industrial dispute. I suspect that that is not what the unions or employers want, but whether it involves an operation being cancelled, trying to get different childcare arrangements or being unable to legitimately get into work or get home from work, the public do bear the brunt. They are another factor that needs to be taken into account when producing the legislation, but they have not featured heavily in the debate.

Johann Lamont: Does the member recognise that ordinary trade unionists are in fact members of the public? They are ordinary working people trying to do their best and it is reasonable that their voice should be heard in the workplace.

Gavin Brown: Yes, of course trade union members are members of the public, but not every member of the public is a member of a trade union and not every member of the public has the ability to cast a vote in a trade union ballot on whether to take industrial action. Many members of the public

have no say whatsoever in the process—none whatsoever—but ultimately bear a large part of the brunt of any industrial action that takes place. That is what I think is driving the bill.

We have heard a lot about the important work of trade unions, almost all of which, I have to say, I agreed with entirely. I accept, too, that the bill is not perfect and that amendments will be required. However, surely on some of the substantive issues, very few of which we got to in the debate, even those who oppose the bill as a whole would accept some of the arguments—for example, that the mandate from a ballot for industrial action should expire after four months. People might disagree strongly on whether it ought to be four months and they are quite entitled to say so, but does everyone in the chamber outside of my own party genuinely believe that the mandate should go on in perpetuity, whether the action takes place a year, two years or even three years after a ballot? Surely the principle of having in legislation some form of end-point—whether people agree on four months is another matter—can be discussed and debated.

Would it really be so wrong that two weeks' notice has to be given so that people are better prepared for the outcome of industrial action? Again, we can disagree about that. Would it really be so wrong that there had to be a higher turnout? People can disagree about the 50 per cent figure, but is it fair to say that just 11 per cent—that was the example that Murdo Fraser gave—without any of the public voting, can decide whether industrial action goes ahead? People might disagree about the 50 per cent figure, but surely they would accept that 11 per cent seems a bit unfair?

The Deputy Presiding Officer: You must draw to a close, please.

Gavin Brown: There is genuine political disagreement across the chamber, certainly from our side, over the bill, but I hope that other members do not question our party's motives for introducing the bill, because at its heart it is trying to get a balance towards the general public.

17:09

Neil Findlay (Lothian) (Lab): I put on record my membership of Unite the union and the EIS. I am also chair of the PCS parliamentary group and a member of the RMT.

Iain Gray, Drew Smith, Johann Lamont and other members were right to point out that the values of solidarity, community and workers' rights are ingrained in the DNA of our party and our movement, and I am very proud of that.

Many members have said that the bill is a concerted, politically sectarian attack on the rights

of working people to organise themselves into collective groups to promote and defend their rights at work. I was very pleased to see Green Party members, Liberals, independents, SNP members, Scottish Socialist Party members and Labour members joining in the rally outside at lunchtime.

The bill is nasty, vindictive and unnecessary, and it is driven by a hatred and complete misunderstanding of the role of trade unions. It is without a doubt a continuation of Cameron and Osborne's class war, and it sits very nicely with their tax credit cuts, their benefit cuts and their attack on public services.

Today we have been accompanied by two of their Scottish class warriors: Mr Brown and Mr Fraser—Tweedledum and Tweedledee. They are the agency staff sent in to cover as the rest of their members have been on strike, never having participated in a ballot. I have sat here looking at their glum faces all afternoon. They look as though they have just gone into Greggs to buy a sausage roll and dropped it in a puddle on the way out. They should be embarrassed and ashamed to support the bill, because it is not needed. Strikes are at their lowest level for decades, as Patrick Harvie told us. People lose money when they go on strike, and no one withdraws their labour easily—it is always a last resort, particularly at a time of major economic uncertainty.

The purpose of the bill is to impose conditions and regulations on trade unions, wrapping them up in red tape at a time when the Tory party tells us that it is cutting red tape for business and for everyone else. None of the legislation will apply to the hedge funds, the pawnshop owners, the payday loan companies or any of the other businesses that bankroll the Tory party; it applies just to the trade unions that represent ordinary working people.

The bill aims to introduce greater powers for—rather than reduce the powers of—the regulator, and the certification officer will have increased powers. Unions will have to pay for the privilege of that greater regulation.

The bill will allow agency workers to be hired to break strikes, thereby legislating for scab labour—even agencies themselves do not want that. How on earth can something like that enhance community cohesion? Some of our communities are still suffering from the legacy of such divisions 30 years ago, and the bill will take us back to those. The Tories want unions to appoint picket supervisors who must provide their names in advance to the police, no doubt so that they can be identified for blacklisting afterwards.

Patricia Ferguson and a number of other members mentioned the increase in voting

thresholds. The purpose of that is to make it more difficult to take industrial action. Of course, as many members have mentioned, very few politicians across the whole of the UK would ever reach such a threshold.

The most absurd and ludicrous claim about the bill is that it is all about democracy. What utter rubbish. If it was about democracy, we would have electronic voting, text voting and workplace balloting, which are all measures designed to increase turnout in ballots. Of course the Tories reject them all, because the bill has nothing to do with industrial democracy and everything to do with an attack on the organised labour movement. The Tories use electronic voting in their own internal ballots but will not allow anyone else to do so. Those are without doubt the actions of a tinpot dictatorship, and Ruth Davidson—wherever she is—and her group should distance themselves from those actions and this far-right ideological attack.

Members have mentioned that the bill seeks to restrict time off for duties. That is the time that representatives have for dealing with disciplinary issues, health and safety, welfare issues and pay. All of those things help to prevent and resolve workplace conflicts, making business easier and smoother to complete. We need only look at how an employer such as INEOS has brutally attacked the unions' right to organise. Before the dispute at INEOS, there were 63 safety reps on that site, which is a very dangerous place. How many are there now? Three. That employer has taken advantage of the dispute to downgrade safety on its site.

The bill wants to ban public sector employers from deducting union fees from pay. The claim is that that is about saving taxpayers money, which is rubbish. Many unions pay to have check-off administered, so it costs the public little or nothing. That is a complete non-argument that exposes the politically sectarian nature of the bill.

Members will not often hear these words from me but Gordon MacDonald made an excellent speech today. It was a very detailed speech; Gordon MacDonald got it. Check-off donations to charities, credit unions, savings schemes and schemes like the cycle-to-work scheme are not affected. Only trade union check-off is affected. Can Mr Fraser defend that? I will give him the opportunity if he wants it—I didn't think so.

The Tories also want to eat further into unions' political funds. Many people mistakenly believe that we are talking about funding the Labour Party, but we are not. We are talking about funding all manner of political and community campaigns, not the Labour Party. Trade unions that are not Labour Party affiliates support the political fund.

Union members have the right to spend their money how they want to and the Government has no right to interfere with that. Cara Hilton was right when she expressed her view about opposition to the bill in the community. The bill has been opposed anywhere that we have been on the streets campaigning about it. It has also been fiercely opposed in the House of Commons.

Today we seek to unite the parties in this chamber and bring on board, if they exist in the Scottish Conservative party, moderate or libertarian Tories. David Davis has been mentioned. He likened the bill to something that would be found in Franco's Spain, and he said that because of his father's experience as a blacklisted worker in the mining industry. Will the Scottish Tories line up behind him or behind the legislation that could have been passed by a fascist dictatorship? We will find out at decision time.

It is clear that the bill will impact on areas of devolved authority and I am pleased that the minister has given a commitment to look at how we can bring forward an LCM; we fully support that.

We should also challenge the bill in the courts under human rights and competition law because it places a burden on public bodies that will not be placed on competitor private companies. That is clearly unfair competition and I hope that the Scottish Government will bring the weight of its legal department to bear on looking into that.

Many members have mentioned the lead of Labour councils up and down the country and I am pleased that North Ayrshire's SNP council has now come on board with a non-compliance policy. I hope that the Scottish Government will do the same.

Let us build a coalition against the bill. Trade unions have been at the forefront of almost every major progressive development in our society. They are a force for good. Let us make sure that it continues.

The Presiding Officer (Tricia Marwick): I call Roseanna Cunningham to wind up the debate. Cabinet secretary, you have until 5.28 pm.

17:18

Roseanna Cunningham: I am sorry—I got a little fright there, Presiding Officer. I had forgotten that decision time had been moved.

What has been made clear by today's discussion is the key role that unions play in developing our economy and improving the conditions of many people working in Scotland. That has been the case for decades, reaching right back into the later part of the 19th century.

We all agree—or, we should all agree—that joining a trade union, seeking to protect people's rights at work and, in some instances, withdrawing labour, are enshrined rights that protect workers in Scotland. Not only does the UK Trade Union Bill devalue those rights, it erodes International Labour Organization conventions to support workers' rights to trade union representation, to collective bargaining and to protection from anti-trade union discrimination. Those conventions, which have long been ratified by the UK, are now under direct attack.

We have to ask ourselves why. Why would a Government seek to destroy the rights of its workforce, to challenge the employee-employer relationship and to silence the voice of employees? What evidence does the Government have that those things need to be fixed? There is a simple answer—there is no evidence. There is no justification for this attack on unions' ability to fairly represent their membership.

In particular, there is no problem to fix in Scotland. In Scotland, we see trade unions as partners, not as opponents. That partnership approach is undoubtedly one reason why the number of days that are lost in Scotland due to strikes has declined by 84 per cent in the past seven years. Perhaps—just perhaps—what the UK Government should have done before it introduced this silly piece of legislation was come and talk to us about what is happening here.

In my view, the UK Government's approach to trade unions is not only wrong, it is counterproductive. It is bad for the rights and conditions of workers, but it is also bad for business. Some weeks ago in Inverness, I took part in a round-table discussion that included employers, employees and trade union representatives. What was clear in that discussion was the value that employers place on their ability to speak with unions regularly to deal with issues well in advance of their becoming major concerns. That is an aspect of trade union activity that is going under the radar. The reality is that the vast majority of trade union activity takes place in that way—in those sorts of conversations—day and daily, week and weekly, and month and monthly, in workplaces where issues are worked out long before they ever reach industrial action. That is really important. Employers are placing importance on that ability to speak regularly with unions to deal with issues well in advance of their becoming major concerns. Is not that what should be happening everywhere?

However, the bill will shatter the ability of many businesses to support their workforces by aggravating relations between employer and employee, to the detriment of both. It will do precisely the opposite of what it claims to be

doing. One wonders in those circumstances whether what the UK Government claims it wants to do is precisely the opposite of what it is seeking to do. It seems, with this bill, that the UK Government is spoiling for a fight. It is not looking to solve the problem; rather, it is looking to provoke a major dispute. It is reprehensible on the part of any Government to approach things in that manner.

In Scotland, we have a clear approach to engendering constructive and progressive industrial relations. That is why we established the fair work convention in the first place, by bringing business, unions, the public and the third sector together to validate good industrial relations and to promote better working practices in Scotland. That came out of the working together review, which again was a joint enterprise—the recommendations of which we have signed up to in full.

The danger with the Westminster Government's approach is that it rides roughshod over the good work that is being done in Scotland, which results in our days lost to industrial disputes being so much below what they were in 2007, and certainly below where they are in the rest of the UK.

I will compare and contrast our approach in Scotland with the approach of the Tory Government at Westminster, where it looks as though a Government of confrontation is emerging, and not a Government that is in any way interested in resolving problems. It is a Government that is spoiling for a fight. It thinks, I suppose, that that will play to its own backwoodsmen. It certainly will not play in Scotland, and I am guessing that if the Tory Government continues on the way that it is going, instead of having one Tory member of Parliament returned from Scotland, no Tory MPs will be returned from Scotland. I suggest that, next year, the Tories in Scotland will find their numbers much depleted, because the bill is going to be seen as a vindictive attack on workers' rights.

Our approach in Scotland differs significantly from that of the rest of the United Kingdom, which makes it all the more frustrating that the UK Government is bulldozing through the legislation with no understanding of, or interest in, the impact that it will have in Scotland. Indeed, the House of Commons committee meeting at which I gave evidence alongside Grahame Smith provided clear evidence of the total lack of interest of the Conservative members on that committee in the actual impact of the bill. Those members were interested only in trying to assert a reserved function and had precisely no concern at all for the impact of the legislation on the ground. That was reflected in their attitude to those who gave evidence from the rest of the UK. If those

Conservative members are serious about industrial relations, they might consider looking northwards to assess why we in Scotland have achieved such a major reduction in industrial disputes. It has come about as the result of a lot of hard work and discussion over a long period.

Iain Gray was absolutely correct that the bill would return us to 19th century industrial relations. It is absolutely shameful. I am therefore grateful for Labour's support for a legislative consent motion. We shall see how we get on with that with the various authorities.

Interestingly, Murdo Fraser had a lot of warm words for trade unions, but he seemed to want to exclude public service trade unions from those warm words. In the by-going, I think that he also misrepresented the STUC's position, as Linda Fabiani subsequently made clear. In the STUC's submission to the Smith commission, it called for devolution of employment law, health and safety, trade union law and the minimum wage.

Murdo Fraser: Just to clarify, I say that I did not refer to the STUC in my opening speech; I referred to the TUC.

Roseanna Cunningham: Clearly, Mr Fraser does not want to talk to the Scottish Trades Union Congress. That is an interesting point. *[Interruption.]*

The Presiding Officer: Order.

Roseanna Cunningham: The unpalatable truth for the Conservatives is that, far from reducing the number of days lost to industrial disputes, their approach could well lead to more actions.

I am watching the time, Presiding Officer, but I want to refer to some of the members who have contributed to the debate. Johann Lamont was right to draw attention to the likely detrimental effect that the bill will have on industrial relations. Most discussions between trade union reps and employers work to reduce conflict, as I mentioned earlier. However, that is in no way reflected in anything that the Conservatives are doing.

Gordon MacDonald talked about the value of facility time and the nonsense of the proposed removal of check-off facilities. He also highlighted the adverse effect of the bill on industrial relations as a whole.

I was pleased to hear Willie Rennie's point that the Conservative Government is trying to solve a problem that does not exist, because that is exactly the view that we take. I could not agree more with him. He helpfully referred to a 2014 poll that suggested that public support for unions is far greater than the Tories might think, so they would be well advised to be careful when they make such public attacks on trade unions.

I see the Presiding Officer's pen being waved in my direction, which suggests that I probably have to move swiftly to closing.

As I mentioned, at no point prior to publication of the bill did the UK Government seek the Scottish Government's views on how the bill would impact on Scotland, and specifically on how it would impact on our approach to delivering effective public services. That is why we are taking the action that we are taking. We will continue to support, as we do now, our workers and the trade unions that represent them. It is right that the Parliament is considering the proposed legislation by the UK Government, because it will affect fundamentally the operation of Scottish public services and those who work to deliver them. That is why we are taking the action that we are taking. I strongly commend the motion and the amendment.

Reimbursement of Members' Expenses Scheme

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-14776, in the name of Liam McArthur, on the reimbursement of members' expenses scheme. I call Liam McArthur to move the motion on behalf of the Scottish Parliamentary Corporate Body.

17:30

Liam McArthur (Orkney Islands) (LD): On behalf of the corporate body, I shall move a motion to amend the reimbursement of members' expenses scheme—specifically to make changes to the staff costs provision and office leasing arrangements. We are making the amendments now in order that changes can be fully effective from the start of session 5, to enable new and returning members to set up offices and employ their staff.

Earlier today, all members received a letter from you, Presiding Officer, on behalf of the corporate body, explaining the detail of the changes that are proposed. The first change relates to the level of staff cost provision, which has been largely unchanged since 2010. The corporate body believes that the provision is already under significant pressure, which will only increase with the additional powers that the Scottish Parliament will assume during the course of the next session.

A strong Parliament depends on having members who are equipped to fulfil their role, so we believe that the recommended change will help to ensure that MSPs will be properly supported to represent their constituents and hold the Government of the day to account. If agreed, therefore, from the start of session 5, the staff cost provision limit will be increased to £85,000 a year. That will enable MSPs to employ up to the equivalent of three full-time staff in a flexible way to suit individual office needs.

The corporate body recognised the wishes of members of all parties to build on current good practice to continue as living-wage employers and to put our staff arrangements on a more robust, professional and transparent footing. For that reason, the SPCB is also recommending the introduction of standard terms and conditions for members' staff, together with consistent job roles and pay scales.

The second element of the motion will end the ability of members to lease offices from or to political parties. That will create a clear divide between parliamentary and political activities, and will counter any potential perception that public

funds are being used to support party-political organisations.

The changes have the support of all party leaders at Holyrood, and I hope that the corporate body can count on the support of all members in the chamber this afternoon to support the motion. On behalf of the corporate body, I will move motion S4M-14776.

I move,

That the Parliament, by virtue of sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998 agrees, with effect from 6 May 2016, to:

- (1) add after paragraph (a)(vi) of the Resolution of the Parliament of 12 June 2008 as last amended on 17 March 2015 (the Resolution) agreeing to the Reimbursement of Members' Expenses Scheme annexed as Annex 1 to the Resolution (the Scheme):

“(vii) determines that in relation to those members who on 10 November 2015 were leasing, sub-letting or sub-letting their local parliamentary office premises from or to a party political organisation in accordance with paragraphs 4.2.11 and 4.2.12 of the Scheme as they stood on that date, those paragraphs 4.2.11 and 4.2.12 will continue to apply until 5 May 2017 and paragraph 4.2.12 of the Scheme as substituted with effect from 6 May 2016 and the modification of paragraph 4.2.10 (made by resolution dated 10 November 2015) shall take effect on 6 May 2017”;
- (2) amend the Scheme by:
 - (a) deleting from paragraph 1.6.1 the words “Subject to paragraph 1.6.2, a” and substituting “A”;
 - (b) deleting paragraph 1.6.2;
 - (c) deleting from paragraph 3.1.1 the words “and any such staff may be permanent or temporary”;
 - (d) substituting the following paragraph for paragraph 3.1.7:

“3.1.7 A member may only submit a claim under this section in respect of staff who are engaged in accordance with such policies and under such terms and conditions as are approved by the SPCB from time to time.”;
 - (e) deleting from the beginning of paragraph 4.2.10 “A” and substituting “Subject to paragraph 4.2.12, a”;
 - (f) deleting paragraph 4.2.11;
 - (g) renumbering paragraph 4.2.13 as paragraph 4.2.11;
 - (h) substituting the following paragraph for paragraph 4.2.12:

“4.2.12 A member is not entitled to reimbursement of costs in respect of a local parliamentary office which is:

 - (a) leased from a party political organisation; or
 - (b) sub-leased from or sub-let to a party political organisation.”;
 - (i) amending the annual limit on entitlement to reimbursement of staff salary costs under paragraph 3.2.1 in the column headed “LIMIT” of the Schedule of Rates in Annex 2 to the Resolution to “£85,000”.

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:32

The Presiding Officer (Tricia Marwick): There are four questions to be put as a result of today's business.

The first question is, that amendment S4M-14766.2, in the name of Iain Gray, which seeks to amend motion S4M-14766, in the name of Roseanna Cunningham, on the Trade Union Bill, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S4M-14766.1, in the name of Murdo Fraser, which seeks to amend motion S4M-14766, in the name of Roseanna Cunningham, on the Trade Union Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)

Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 14, Against 104, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-14766, in the name of Roseanna Cunningham, on the Trade Union Bill, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)

Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)

Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 104, Against 14, Abstentions 0.

Motion, as amended, agreed to.

That the Parliament opposes and condemns the Trade Union Bill as proposed by the UK Government; believes that it restricts the fundamental rights of workers to organise, bargain collectively and, if necessary, withdraw their labour; further believes that it will both undermine the effective engagement of trade unions across Scottish workplaces and, in particular, across the Scottish public sector, and believes that free and healthy trade unions are an important element of a modern democracy.

The Presiding Officer: The next question is that motion S4M-14776, in the name of Liam McArthur, on the reimbursement of members' expenses scheme, be agreed to.

Motion agreed to,

That the Parliament, by virtue of sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998 agrees, with effect from 6 May 2016, to:

- (1) add after paragraph (a)(vi) of the Resolution of the Parliament of 12 June 2008 as last amended on 17 March 2015 (the Resolution) agreeing to the Reimbursement of Members' Expenses Scheme annexed as Annex 1 to the Resolution (the Scheme):

“(vii) determines that in relation to those members who on 10 November 2015 were leasing, sub-leasing or sub-letting their local parliamentary office premises from or to a party political organisation in accordance with paragraphs 4.2.11 and 4.2.12 of the Scheme as they stood on that date, those paragraphs 4.2.11 and 4.2.12 will continue to apply until 5 May 2017 and paragraph 4.2.12 of the Scheme as substituted with effect from 6 May 2016 and the modification of paragraph 4.2.10 (made by resolution dated 10 November 2015) shall take effect on 6 May 2017”;

- (2) amend the Scheme by:

- (a) deleting from paragraph 1.6.1 the words “Subject to paragraph 1.6.2, a” and substituting “A”;

- (b) deleting paragraph 1.6.2;

- (c) deleting from paragraph 3.1.1 the words “and any such staff may be permanent or temporary”;

- (d) substituting the following paragraph for paragraph 3.1.7:

“3.1.7 A member may only submit a claim under this section in respect of staff who are engaged in accordance with such policies and under such terms and conditions as are approved by the SPCB from time to time.”;

- (e) deleting from the beginning of paragraph 4.2.10 “A” and substituting “Subject to paragraph 4.2.12, a”;

- (f) deleting paragraph 4.2.11;

- (g) renumbering paragraph 4.2.13 as paragraph 4.2.11;

- (h) substituting the following paragraph for paragraph

4.2.12:

"4.2.12 A member is not entitled to reimbursement of costs in respect of a local parliamentary office which is:

- (a) leased from a party political organisation; or
- (b) sub-leased from or sub-let to a party political organisation.";
- (i) amending the annual limit on entitlement to reimbursement of staff salary costs under paragraph 3.2.1 in the column headed "LIMIT" of the Schedule of Rates in Annex 2 to the Resolution to "£85,000".

New-build Homes (Minimum Room Sizes)

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-13774, in the name of Alex Johnstone, on minimum room sizes in new-build homes. The debate will be concluded without any question being put.

17:36

Alex Johnstone (North East Scotland) (Con):

When is a room not a room? In this chamber, we have had cause many times over recent years to discuss the concepts of underoccupancy and overcrowding. One of the ironic things to be thrown up by such discussion was an amazing Scottish court case. At a hearing, a Scottish sheriff dictated that a room could not be classified as a bedroom because it was simply not big enough. How did we get to that extraordinary position?

"Rabbit hutch" and "shoe box" are just two of the terms that I have heard being used to describe the room sizes in modern homes, often by people who have just returned dejected from a visit to a show home or a new development. I stress at the outset that not all new homes are like that. Many are beautifully designed, spacious and have excellent amenities, although some would argue that such homes fall into a premium bracket. However, the overall trend is for homes to get smaller. That can be the case where the land value is high, as it is in the north-east, and the developer needs to maximise the number of units on the land to make the project viable.

We hear a lot about how many houses need to be built to keep pace with demand. That point was made loud and clear when I attended a Homes for Scotland conference last week. However, I am not alone in being deeply concerned that, in the race to play the numbers game, floor sizes of new properties will be sacrificed in order to maximise the number of units. To illustrate the problem, we need only look across Europe at the average floor space of newly built homes. In Germany, it is more than 109m²; in Holland, it is more than 115m²; and in Denmark, it is 137m². We need more research to gauge the average size of new-build homes in Scotland, but one study suggests that the average United Kingdom home, at just 76m², is smaller than all of those.

To put that into perspective, 2m² is the size of a broom cupboard, a small room with a toilet in it, or a room in which a washing machine and a drying rack could be stored; 4m², according to the Royal Institute of British Architects, is the equivalent of a single bed—not a room with space for a single bed, but the exact size of a single bed. Crucially,

for children and students, 4m² is the space that allows them to work at home at a computer. A galley kitchen and perhaps a coffee table would fit into 7m², while 8m² is the equivalent of a single bedroom for a guest to stay over or, more importantly, a child to sleep.

The long-term effects on people from living in homes that are effectively overcrowded are deeply worrying. A study by researchers at the University of Cambridge suggested that, in extreme cases, overcrowded homes can cause physical illnesses such as asthma and even mental illnesses such as depression. The fact that individuals report that they do not have enough space to have quiet time in private may be a contributing factor. Less extreme cases can impact on the social and emotional development of children, while degrading relationships and making it difficult to entertain guests.

In 2009, a study by the Royal Institute of British Architects found that more than half of respondents said there was not enough space for the furniture that they owned or would like to own. Nearly 70 per cent said there was not enough storage for their possessions. One householder had to store his Hoover at his mother's house because he did not have a cupboard to keep it in. The weekly shop, with a number of buy-one-get-one-free offers, had thrown limited kitchen space into chaos.

The issue does not affect just larger households; it can impact people from all walks of life, from the single person being offered a flat with a so-called mezzanine deck as a bedroom, to the retired person moving into a care home where they will have little space to keep their most precious possessions, built up over a lifetime.

Some legislation, for example on homes in multiple occupation, has had an impact on that while other legislation, such as the need to build in accessibility, as described in the Scottish Government's technical handbook, influences the situation almost by accident. I welcome the discussion paper that was issued last week by the UK Government. The paper, which will not impact us here in Scotland, proposes a minimum bedroom size of 6.5m²; local authorities will be free to set higher standards if they wish to do so. However, as I pointed out earlier, 6.5m² is not a big room.

I appreciate that there are counter-arguments, for example that the extra space would drive up construction costs and make homes even less affordable, and that the demand for larger homes would mean fewer units being built on available sites. However, the Royal Institute of British Architects suggests that that need not be the case. Its view is that a home that is 10 per cent bigger need not cost 10 per cent more. It also states that,

if better design were implemented, the extra space need not impact on the number of houses.

I would like the Scottish Government, local authorities, housing professionals and developers to work together to ensure that new properties are not only spatially fit for purpose but form part of a wider urban design that delivers safe, sustainable communities and encourages active lifestyles. When I say "active lifestyles", I do not mean the London man who, it was recently reported, was offered a house where he had to stand on top of his fridge and climb up a ladder in order to get into bed every night.

That is not to say that advances have not been made in the construction of new homes in Scotland. For example, we have seen the introduction of improved insulation regulations, which keep our homes warmer and help to alleviate the threat of fuel poverty. I welcome and support those measures, but if we want to do something about the problem of rabbit-hutch housing, a number of influencers will need to pull together and press for change.

Whether we own our homes or rent them, the quality of housing is vital to us all. That does not just mean that houses should be wind and watertight and easy to heat. The room to live in is also important, and we can deliver that if we collectively take the necessary action. If the Scottish Government will push this issue, it can be certain of support from the Scottish Conservatives.

17:44

Hanzala Malik (Glasgow) (Lab): I thank Alex Johnstone for securing today's debate on minimum room sizes in new-build homes. I would go further and suggest that we explore the possibility of having a minimum percentage of large family homes in any new development, because more and more people are choosing to look after their elderly relatives within the family house and/or allowing their children to stay longer at home. That is a good trend, if I may say so.

I acknowledge the improvements in the construction industry in relation to new-build homes, especially with regard to insulation. There are examples of good use of space within the house as well as outside. However, there are also plenty of bad examples of people living in homes that they would not choose to live in if there was sufficient housing stock in Scotland. We must ensure that minimum standards relating to room sizes, hallways and storage in our homes are secured.

For practical reasons, we spend quite a lot of time in our homes. If one furnishes one's home, one expects to be able to get into and around it, which means that there must be reasonably sized

rooms, halls and storage spaces in any given house—and we must not forget the outside environment. If we have a set size for what we can call a double bed, we can set a minimum size for what we can call a double bedroom.

We must take account of the need for houses to be not only insulated but designed for the needs of today's families. For example, a certain number of sockets are needed for any given room, and they should not be hidden behind doors or furniture but should be easily accessible. Sometimes people forget that we are not living like we did 20 years ago, which means that there can be far more demand for sockets than we allow for. In many homes that I have visited, I have seen all sorts of extension cables and mazes of wires on the floor, which cause a real hazard particularly for the young and the elderly.

I agree with Alex Johnstone that there should be a voluntary code relating to minimum floor space, the amount of storage and the size of homes. Standards in flats and houses must reflect people's needs and expectations for today and tomorrow. If the construction industry cannot come up with a code of practice, perhaps the Scottish Parliament can help it in that direction.

Alex Johnstone said that room sizes need to be appropriate. That is crucial, because it affects all sorts of things, particularly for our young people. I was told that inappropriate housing can affect the health of young children; indeed, it affects not only their mental or physical health but their standards of educational attainment—they need the room to be able to sit down and study.

I hope that the Government will take on this challenge and see how it can help. I emphasise the importance of large family homes, as well as the importance of appropriate room sizes. As I said, the trend is changing, which is to be welcomed, because we want to look after the elderly at home if we can, rather than asking them to go to hospitals or other centres. I look forward to hearing the Scottish Government's view on this challenge.

17:49

The Minister for Local Government and Community Empowerment (Marco Biagi): When I originally saw that this debate was taking place, I was pleased but also intrigued by the motion.

I was pleased that the motion gives the recognition, which Alex Johnstone referred to in his speech, that through Scottish building standards we have significantly improved the energy-efficiency standards for new homes. That is something that we can all welcome—we all have done so in the chamber—because those

standards make homes warmer and help households with fuel bills. They are not only helpful in delivering carbon dioxide abatement; since this October, our standards have been once again the best minimum standards in the UK.

I was intrigued that the motion says that Scotland has no minimum space standards or built-in storage for new homes. In my response to the debate, I want to dispel that myth and, as building standards form part of my portfolio, I want to say a little bit about the national standards in Scotland.

I draw a distinction between what can be governed by building standards and what can be dealt with more widely. It is clear that buildings that were approved under building standards regimes in the past will continue to be with us for some time and, in particular, that can result in electrical issues and issues in other areas in which the needs of society have changed and homes need to catch up and adapt. We apply building standards at the point of construction.

Since the mid-1980s, we have had minimum space standards that are the best of any of the jurisdictions in the UK through the Scottish building standards system and now in the domestic technical handbook. The presented framework consists of defined sizes of appliances and furniture combined with clearly defined activity spaces. That means that the floor areas of habitable rooms as well as of main bathrooms and kitchens have to be a reasonable size. Allied to that, we have more recently introduced a measure that means that one habitable room is to have a floor area of at least 12m².

In addition to the measures that create minimum floor area, many other provisions contribute to the physical and mental wellbeing of householders. They include guaranteed provisions for natural light, limiting noise in attached homes and rooms within homes, ventilation and adequate heating, to name but a few. All of that means that, when the provisions are allied to other supporting legislation—the water byelaws, for example—any new home in Scotland should be able to adequately and satisfactorily perform the function of a dwelling. Unlike Scotland, England, Wales and Northern Ireland have nothing that is quite as comprehensive in their sets of devolved building regulations.

I acknowledge that those regulations are bedrock minimum standards and that, as I said before, building regulations cannot be the panacea for all ills. For example, they will not stop a small house being occupied by more people than it was ever designed for—overoccupancy and underoccupancy are both housing policy issues—or dictate how people will use their homes once

they move in and how they will be maintained by owners, for example.

Hanzala Malik: There are two points that I want to reiterate for clarity.

First, Scottish communities are fundamentally changing. More adults are staying with their families and children are staying longer with their families. That is one aspect that I want the minister to take on board for me, please, when I talk about percentages of larger homes.

The second point is a safety issue. A child's room can have as many as 10 demands of electricity sockets. That is just the average. We are not addressing that.

It would be helpful if we could address those points, please.

Marco Biagi: On the latter issue, I can give the undertaking that I will go to my officials and go over that aspect of the building standards for new build. It is clear that we want properties that are being built to meet the demands of people. We will leave aside the issue of retrofitting the more heritage-based properties.

I was about to come to the issue that Hanzala Malik raised on the mix of homes. It is important that in dealing with some of our big societal issues—particularly the ageing population and changing habitation, which means more people living alone than ever before—we take a cross-Government approach. Just as building standards representatives have been involved in the Government's discussions on climate change action, we have to be involved in discussions on how we deal with the ageing society. I very much accept that point and take it on board.

I go back to where I was. There are minimum standards and there is also the suggestion of a voluntary code for space standards that would give a benchmark for industry to deliver good practice. I want to caution on the development of any approach that would produce purely arbitrary floor areas without the understanding to which I referred of how the space will be used and how people will interact with it, and which could make houses larger and less affordable in the short term. Although the market may be able to adjust over a longer term, that could present serious difficulties for housing supply, as well as pressures on the types of homes that may be being built. We need to be aware of that.

It is an unusual presentation for Alex Johnstone to come here to the chamber and to recommend that the Scottish Government intervenes so firmly in industry and the market. If this is his conversion to state socialism—

Alex Johnstone: No, the minister can safely assume that it is not.

Marco Biagi: —I would be surprised and blown away. I suspect that he might generally prefer more voluntary codes.

There is such a document out there. "Housing for Varying Needs", which is available online, is a good practice document that social housing providers and local authorities have to build to if they want to access grant funding from the Scottish Government. It functions in a similar way to the space standards in the domestic technical handbook. It also sets out a framework that determines the size of a home but, because it is a good practice document and not firm building regulations, it consists of defined sizes of an even greater range of appliances and furniture combined with defined activity spaces and circulation paths, creating a much broader set of guidance and good practice about the structure of a home.

The document could certainly be disseminated more widely, and Margaret Burgess and I would be interested in hearing any views from the industry or others about how it could be adopted more widely.

I welcome this debate—it has given us the chance to explore the possibilities of space standards for housing, to bust some myths and to recognise what building standards can deliver. I certainly agree with the concept of a voluntary code that would result in good floor space and storage standards in flats and houses in north-east Scotland and across the country. Above all, however, we must ensure that we have a positive impact on everything that we do on housing supply, so that we have the right number and the right composition of homes being built.

I thank Alex Johnstone for securing the debate, even if I have not been able to agree with him entirely.

Meeting closed at 17:57.

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