



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Thursday 22 March 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 22 March 2018

CONTENTS

	Col.
GENERAL QUESTION TIME	1
Childcare Charges (Glasgow City Council)	1
Direct Rail Services (Ayrshire and Edinburgh)	2
Concessionary Travel (16 to 18-year-olds)	4
Mental Health (Workplace)	6
Non-domestic Rates (2017 Revaluation)	8
FIRST MINISTER'S QUESTION TIME	10
Attainment Gap (Schools)	10
Scottish Government Contracts (Workers' Wages).....	13
Glasgow Sauchiehall Street Fire	16
Aberdeen City Council (Funding)	16
Highlands and Islands Airports Ltd (Car Parking Charges)	17
Multiple Sclerosis (Stem-Cell Treatment)	17
Avon Gorge (Closure).....	18
Low-emission Zone (Glasgow)	19
China (Human Rights)	21
Orkambi	22
Drugs Deaths.....	23
European Union Negotiations (Fishing)	23
Organised Crime.....	24
Attainment Scotland Fund	25
DOWN'S SYNDROME AWARENESS WEEK	27
<i>Motion debated—[Johann Lamont].</i>	
Johann Lamont (Glasgow) (Lab)	27
Kenneth Gibson (Cunninghame North) (SNP)	30
Brian Whittle (South Scotland) (Con)	32
David Stewart (Highlands and Islands) (Lab).....	34
Alex Cole-Hamilton (Edinburgh Western) (LD)	35
Kate Forbes (Skye, Lochaber and Badenoch) (SNP)	37
Alexander Stewart (Mid Scotland and Fife) (Con).....	38
The Minister for Mental Health (Maureen Watt)	39
MAJOR INFRASTRUCTURE PROJECTS	44
<i>Statement—[Keith Brown].</i>	
The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown)	44
FAIR WORK	58
<i>Motion moved—[Jamie Hepburn].</i>	
<i>Amendment moved—[Dean Lockhart].</i>	
<i>Amendment moved—[Jackie Baillie].</i>	
The Minister for Employability and Training (Jamie Hepburn)	58
Dean Lockhart (Mid Scotland and Fife) (Con)	62
Jackie Baillie (Dumbarton) (Lab)	66
Patrick Harvie (Glasgow) (Green)	69
Willie Rennie (North East Fife) (LD)	71
Clare Haughey (Rutherglen) (SNP).....	73
Gordon Lindhurst (Lothian) (Con).....	75
Rona Mackay (Strathkelvin and Bearsden) (SNP)	76
Elaine Smith (Central Scotland) (Lab)	78
Ruth Maguire (Cunninghame South) (SNP)	80
Michelle Ballantyne (South Scotland) (Con)	82
Bob Doris (Glasgow Maryhill and Springburn) (SNP)	85
Johann Lamont (Glasgow) (Lab)	86
Jenny Gilruth (Mid Fife and Glenrothes) (SNP).....	89
Jeremy Balfour (Lothian) (Con)	91
Ben Macpherson (Edinburgh Northern and Leith) (SNP).....	93

Tom Arthur (Renfrewshire South) (SNP).....	94
Pauline McNeill (Glasgow) (Lab).....	96
Jamie Halcro Johnston (Highlands and Islands) (Con).....	98
The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown).....	101
PARLIAMENTARY BUREAU MOTION	105
<i>Motion moved—[Joe FitzPatrick].</i>	
DECISION TIME	106

Scottish Parliament

Thursday 22 March 2018

[The Presiding Officer opened the meeting at 11:40]

General Question Time

Childcare Charges (Glasgow City Council)

1. **Johann Lamont (Glasgow) (Lab):** To ask the Scottish Government what its response is to reports that Glasgow City Council has increased charges for childcare. (S5O-01927)

The Minister for Childcare and Early Years (Maree Todd): The statutory early learning and childcare entitlement of 600 hours per year, which is around 16 hours per week, is fully funded by the Scottish Government, and it is free to families at the point of access.

Every council has to choose how it funds the additional wraparound hours that some parents pay for. I understand that Glasgow City Council has its own policy on when, and how much, to charge parents, depending on different factors, and that the council continues to subsidise the cost of those hours.

The Scottish Government will fully fund the expansion to 1,140 hours a year, which will reduce the need for wraparound hours, and the Government has helped Glasgow City Council, and all councils, with a real-terms increase in their revenue budgets next year to enable them to continue to support services.

Johann Lamont: That was very interesting, but it did not really answer my question. I was contacted by a constituent who reported that her childcare costs have increased by £190 a month, without consultation or any consideration of the immediate impact that that would have on her family budget.

Does the minister share my concern that many families in Glasgow are affected by that decision and that it is a direct contradiction to a commitment to early affordable childcare? Although the matter is one for Glasgow City Council, what is the minister's view of the decision? Does it reflect a lack of commitment to affordable childcare or a lack of resources from the Scottish Government to deliver that childcare? Is the minister willing to meet parents to discuss her view, as expressed in committee yesterday, that the increase in Glasgow is fairly priced, compared with alternatives?

Maree Todd: I am more than happy to meet the people that the member mentioned. The matter is

one for the local authority. The Scottish Government has a track record of fully funding the previous expansion from 475 to 600 hours of funded early learning and childcare, and we will fully fund the expansion to 1,140 hours.

The expansion to 1,140 hours will make a significant contribution to Scottish families. We estimate that it will save families £4,500 a year. In addition, later this year we will implement a pilot deposit guarantee scheme that will aim to reduce the burden of up-front childcare costs for families, and Glasgow is one of the pilot sites.

George Adam (Paisley) (SNP): Does the minister agree that there is still a challenge for some parents in securing affordable and flexible early learning and childcare? How will the Scottish Government help to reduce the barriers to participation in the labour market that some parents face?

Maree Todd: I agree with George Adam. That challenge is a major part of why we are expanding the system to 1,140 hours, which will help parents to meet the costs and secure the childcare that they need. As I have said, the expansion to 1,140 hours will make a significant contribution to Scottish families—we think that it will save each family around £4,500 a year. As well as that saving, the expansion will enable parents to go on to training or work more hours, which will also improve the family's finances.

The Presiding Officer (Ken Macintosh): Question 2 has been withdrawn.

Direct Rail Services (Ayrshire and Edinburgh)

3. **Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government what its position is on the provision of more direct rail services between Ayrshire and Edinburgh. (S5O-01929)

The Minister for Transport and the Islands (Humza Yousaf): A direct service is currently available between Ayr and Edinburgh, which offers five services per day. The introduction of an additional direct service between Ayrshire and Edinburgh has been investigated by ScotRail, but it was not considered feasible to operate a through service between Kilmarnock and Edinburgh because of the detrimental impact that that would have on other services.

Willie Coffey: The minister will be aware that, under current arrangements, it takes more than two hours to get from stations in Ayrshire to Edinburgh, and that all those journeys involve changing trains and/or stations. As the minister said, there are no direct services for a journey of only 65 miles or so. Does the minister agree that that is a significant impediment to people from Ayrshire who might wish to make use of the many

job opportunities in Scotland's capital, but who want to continue to live in Ayrshire, and that real direct express rail services could be a huge boost to the people of Ayrshire?

Humza Yousaf: I have no doubt at all about the logic of what the member is saying, and I would advise him to continue to engage with ScotRail on that. He will, of course, understand that any increase in a service in one part of the network might well have a detrimental effect or impact on another part. I encourage Willie Coffey to engage with ScotRail on the challenges that it faces with regard to its timetable.

On the issue of improvements to the line, the member will be aware that we now have a local rail development fund, which means that, if the local authority or the regional transport partnership wants to consider improvements on the line, they can apply for that funding, and I would encourage them to do so.

My door is always open to Willie Coffey and other members about what is the art of the possible.

John Scott (Ayr) (Con): I welcome the introduction of the direct service between Ayr and Edinburgh and say how much it is valued by my constituents. I support everything that Willie Coffey says on behalf of his constituents in that regard.

Are there any plans to increase the frequency of the service between Ayr and Edinburgh and perhaps to increase the capacity of that train? Having travelled on it myself, I know that it can be overcrowded by the time that it gets to Edinburgh.

Humza Yousaf: The member will be aware that we are working hard to on the introduction of the class 385 trains. Further, in May, high-speed trains will be introduced across the network, which will allow rolling stock to be cascaded across the network, which will free up capacity and introduce more capacity to the network. I will send John Scott and Willie Coffey a note about how that will affect the capacity on the service that they are asking about.

Of course, the offer that I made to Willie Coffey is also open to John Scott—I am more than happy to discuss with him where improvements can be made. However, questions about operational matters should be directed to ScotRail. If Willie Coffey and John Scott have not met Alex Hynes, the managing director of ScotRail, I encourage them to do so, because there are some challenges around increasing the frequency of services, due to the timetable that is being run. Again, the art of the possible should be explored wherever it can be.

Neil Bibby (West Scotland) (Lab): I would also like to see more direct services to Edinburgh from

Ayrshire, and also from Inverclyde and Renfrewshire. Currently, only a small number of direct trains that travel from Ayr to Edinburgh go via Carstairs—it is more like round rail than crossrail.

Progressing the long-awaited Glasgow crossrail scheme would make it quicker and easier for my constituents to travel for business and leisure to our capital city and for people to travel to the west. I urge the minister again to give serious consideration to the significant benefits of the Glasgow crossrail scheme with regard to improving connectivity.

Humza Yousaf: I am aware of issues around the crossrail scheme. The member will of course know that, in 2008, the project was considered as part of the strategic transport projects review, but, for a number of reasons, a decision was made that it would not be progressed.

If Glasgow City Council, some of the other relevant local authorities and Strathclyde partnership for transport, which is the regional transport partnership, want to submit a bid to the local rail development fund in order to explore whether crossrail can be progressed in a way that is feasible, is financially viable and will make an improvement to the rail services around Glasgow, that opportunity exists, and I encourage the member to have a conversation in that regard with Glasgow City Council and SPT.

John Mason (Glasgow Shettleston) (SNP): Following on from Neil Bibby's question, I point out that one of the pinch points is Glasgow Central station. Does the minister agree that using crossrail would take pressure off Glasgow Central station and lead to quicker services, which would please Willie Coffey?

Humza Yousaf: John Mason is absolutely correct to say that Glasgow Central is our busiest station. As he knows, there are some capacity issues at that station already, and, as I have just said to Neil Bibby, the crossrail project was explored before but, for a variety of reasons, was not progressed.

The local rail development fund provides an opportunity for the crossrail project to be explored again, as does the commencement of the next control period—control period 6, which will run between 2019 and 2024—in regard to which further investment decisions will be made. If SPT and other partners and stakeholders wish to re-explore the crossrail project, there are opportunities to do that. I encourage the member to have those conversations.

Concessionary Travel (16 to 18-year-olds)

4. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what plans it has to

extend concessionary travel for all 16 to 18-year-olds. (S5O-01930)

The Minister for Transport and the Islands (Humza Yousaf): The national concessionary travel scheme for young people provides discounts on bus and rail travel within Scotland for all young people aged 16 to 18 who live in Scotland. Using the Young Scot smart card, the scheme offers a one third discount off the adult single fare on any registered bus service in Scotland, one third off most rail journeys in Scotland, and a 50 per cent discount on rail season tickets. Eligible island residents also receive vouchers for four free ferry journeys a year.

In addition, the Scottish Government is discussing with our partners and other key stakeholders the best way to introduce free bus travel for young modern apprentices and for young carers in receipt of the planned young carer grant, and three months of free bus travel for recipients of the proposed job grant who are aged between 16 and 24, once those benefits come into force.

Pauline McNeill: I welcome the progress that has been made, but it does not go far enough. Seventy-eight per cent of 16 to 18-year-olds are in education, and only 6 per cent of them are in full-time work. Does the minister recognise that there is a certain unfairness for people turning 16, in that their fares will double for peak fares on buses, trains and ferries, because the concessionary fares mainly relate to off-peak travel? Many of those people earn as little as £4.05 an hour, if they are earning at all. In view of that, does the minister consider that we should go further and have a much deeper policy for young people in that age group? For example, will he consider a short-term scheme of free or reduced fares on buses or trains for a period of three years, so that we can assess the benefits of such a scheme and the uptake by young people in that age group of free transport or better fares?

Humza Yousaf: If Pauline McNeill has a detailed and costed proposal, I would, of course, be happy to look at it. If she can say from where that money would be found and from which budget it would come, I would, of course, be more than happy to have a conversation about that with her. It would be great to have Scottish Labour's support for the measures that we are taking forward already and those that we hope to take forward for young modern apprentices, and for the discounts that we will bring in for those in receipt of a young carer grant or a job grant. Those are not incidental or small changes; they are significant changes that are aimed at the most vulnerable young people in society, and I am sure that we will have Pauline McNeill's support for them.

I will, of course, have a conversation with Pauline McNeill about any pilot scheme that she wants us to explore. However, I emphasise that I would like to see details of such a scheme and the costs attached to it, as it is clear that the money would have to be found from somewhere.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Transport Scotland's consultation on concessionary bus travel for 16 to 18-year-olds references the current scheme for concessionary bus travel for pensioners. Will the minister confirm that there is a cost to the public purse only if and when the pass is used? Will he consider that when he responds to that consultation?

Humza Yousaf: Yes, I will. The consultation was extraordinarily popular: almost 3,000 members of the public and more than 100 organisations offered their views on it. We are considering all the views that were expressed and, in the coming few weeks, we will be able to give more information on how we intend to proceed. However, we understand the benefits of the national concessionary travel scheme, which is why we have funded it throughout our time in government. I hope that other members will help us come to a sustainable solution for that concessionary travel scheme and will support our wish to widen it out to young modern apprentices and others.

Mental Health (Workplace)

5. Ash Denham (Edinburgh Eastern) (SNP): To ask the Scottish Government what it is doing to support mental health in the workplace. (S5O-01931)

The Minister for Mental Health (Maureen Watt): Supporting the mental health of employees in the workplace is extremely important for both the individual and the organisation. Such support can lead to reduced sickness absence, improved productivity and lower staff turnover. Employers have a duty of care towards their employees and should take appropriate steps to ensure that mental health and wellbeing is protected and promoted.

Our 10-year mental health strategy aims to improve the uptake of and access to a range of services that are aimed at improving mental health in the workplace. We fund the healthy working lives programme in NHS Health Scotland—to that funding is £1.6 million in 2017-18—to provide advice and support to employers on the measures that they can take. That support includes a free and confidential advice line and free training courses to equip employers with the skills and knowledge that they require.

Ash Denham: How does the Government plan to encourage as many organisations and individuals as possible to take part in the current engagement process for the draft suicide prevention action plan?

Maureen Watt: We are seeking views on the themes and draft actions for possible inclusion in the new suicide prevention action plan, which is aimed at continuing the downward trend in suicides in Scotland. We published our engagement paper on that on 8 March and notified a wide range of organisations and individuals by email as well as issuing a press release. We invite individuals and organisations to submit their comments on the engagement paper by 30 April, through our Citizen Space website. To support discussion by interested organisations and individuals, NHS Health Scotland has arranged a number of public engagement events, details of which are available online. Those have proved popular and, if there is sufficient interest, NHS Health Scotland will consider arranging more.

Jamie Halcro Johnston (Highlands and Islands) (Con): Can the minister outline what work is being undertaken by NHS Health Scotland to support mental health in the workplace in Scotland's island communities, and in particular what it is doing to engage with small and medium-sized businesses?

Maureen Watt: As I said in my previous answer, the measures and the support available online through NHS Scotland are of course available to everyone throughout Scotland. Free training courses are also available throughout Scotland.

Mary Fee (West Scotland) (Lab): Access to mental health support for young people has been spoken about many times in the chamber. We are all aware of the poor statistics, particularly on access to child and adolescent mental health services. That is why Scottish Labour has pledged to ring fence mental health budgets, to guarantee access to mental health support in every workplace, college and school and to develop mental health training for staff in schools and workplaces. We know what needs to be done and are committed to doing it, so why do the minister and her Government not know that?

Maureen Watt: We, too, know what needs to be done. The member might be interested to know that, just this morning, I was at Ayrshire College announcing more than a quarter of a million pounds for the National Union of Students Scotland to help it to develop more mental health help and advice in our colleges and universities.

Non-domestic Rates (2017 Revaluation)

6. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government how many businesses' non-domestic rates bill increased as a result of the 2017 revaluation. (S5O-01932)

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): The purpose of a revaluation is to redistribute the tax burden among non-domestic properties to reflect changes in property rental markets. Following the 2017 revaluation, at least 69 per cent of non-domestic properties paid less or no more in rates than they had done previously. Of course, the impact of reliefs and appeals will increase that percentage.

Daniel Johnson: I remind members of my entry in the register of members' interests, which shows that I am a director and shareholder of a business with retail interests in Edinburgh.

Following the rates revaluation, many businesses faced large increases and are struggling as a result. I know of at least two in my constituency that closed as a direct result of the increase in their rates bills and of others, such as the Leaf and Bean Cafe, that are very worried about the future of their business because of the increases. The latest statistics show that there has been a 10 per cent increase in the number of businesses appealing the revaluation, which takes the total of those appealing to a third of all businesses. Does the cabinet secretary believe that that just shows that businesses are desperate following the large increases or, worse, that they have no confidence in the calculations that have been made in their rates bill?

Derek Mackay: No. I think that it is Daniel Johnson and the Labour Party that are desperate on the issue, and on a whole host of other matters. The serious issue here—

Daniel Johnson: Tell that to my constituents, who are going out of business.

The Presiding Officer: Order, Mr Johnson.

Derek Mackay: I know that Mr Johnson has not been a supporter of the many interventions that the Government has made and that the Labour Party's position on non-domestic rates is in sharp contrast to the lobbying that Daniel Johnson has undertaken on the matter.

We should bear in mind that, in the revaluation, the valuations and what the assessors do are independent. This Government has taken the relief package to £720 million; has expanded reliefs, including the small business bonus, which has lifted 100,000 properties out of rates altogether; has capped increases for a range of businesses; has reduced the poundage measure; has committed to more frequent and quicker revaluations of business rates; has delivered the

growth accelerator; has empowered local authorities; and is implementing the Barclay review. That is what the Government is doing to support businesses across Scotland, in the face of Labour and Tory opposition.

Murdo Fraser (Mid Scotland and Fife) (Con):

According to the Scottish Government's own statistics, by the end of February, 73,577 businesses had appealed their 2017 valuation. Of those, more than 73,000 were still waiting for a decision. Just 0.7 per cent had had the issue resolved by the end of February. Those delays are causing a great deal of concern to businesses, particularly small businesses that are run by individuals. Is there anything more that the Scottish Government can do to try to speed up the process?

Derek Mackay: That is a very fair question. Although I recognise that the Scottish Assessors Association and the valuation joint boards are independent of Government and that it is for them to work through their work programme, I met them before and during the Barclay review and after it produced its recommendations to ensure that they are fully resourced to deliver those recommendations.

It is normal for appeals to take some time. However, I want to raise awareness of a process that can expedite appeal hearings for any business, including those that might be under some stress. I encourage those going through the system to use that if they think that it would be appropriate. It is important that I draw attention to that process, as it is all the more reason for people to support the Barclay reforms as they relate to assessors.

Assessors have come to me with the implementation plan of the recommendations that relate to them. I am particularly enthusiastic about that. I hope that, along with specific reforms around appeals, it will be a help to have quicker implementation and appeals and more frequent revaluations in future.

First Minister's Question Time

12:01

Attainment Gap (Schools)

1. Ruth Davidson (Edinburgh Central) (Con):

Examination result data for every secondary school in Scotland has been published in recent days. Once again, we have learned of the stark gaps in attainment for rich and poor areas. Attend a school where the vast majority of pupils are from the most deprived backgrounds, and only 15 per cent achieve five or more highers. Go to a school where the vast majority of pupils are from the most affluent backgrounds, and that achievement rate is more than four times higher.

Where advances have been made in reducing the attainment gap, we welcome that. However, does the First Minister believe that progress on doing that—her Government's stated number 1 priority—is fast enough?

The First Minister (Nicola Sturgeon): No, I want to see it accelerate. I have made no bones about that. We know that we have an attainment gap in our schools. It is fair to say that Scotland is not unique in having an attainment gap between our most-well-off and least-well-off pupils. We have identified that gap as something that is unacceptable and we are determined to see it close.

We have seen evidence across a range of data in recent times, as Ruth Davidson acknowledged, of that attainment gap closing. We see that in our schools. We see that also, for example, in access to universities and higher education. That progress is welcome.

It is exactly because we want to not just continue but accelerate that progress that we are investing £750 million over this session of Parliament through our attainment Scotland fund. Ruth Davidson will be aware of the recent interim evaluation of the first two years of that fund, in which 78 per cent of headteachers indicated that there has been improvement or that they expect to see improvement in attainment as a result of the fund.

That is progress, and very positive progress. I have made it clear that we will not close the attainment gap overnight, but I am determined that we make the progress that we have committed to making over the course of this session of Parliament and beyond.

Ruth Davidson: The First Minister mentions the report into the Scottish Government's attainment fund, which was published last week. She fails to mention one part of that report, which is that

millions of pounds from that fund, intended to drive up the performance of poor pupils, is lying unspent because of difficulties in recruiting. In other words, money that should be spent on cutting the attainment gap now is instead lying in the Government's bank account because it cannot find the teachers to spend it on.

Does the First Minister agree that we will not close the attainment gap in schools if we cannot find the teachers to help do it?

The First Minister: Ruth Davidson's question, with the greatest of respect, displays a fundamental misunderstanding of the nature of the funding behind the attainment programme. It is a £750 million commitment across this entire session of Parliament. Any money that is not spent in one year rolls forward to the next year, and every single penny will be spent on measures to reduce the attainment gap. In the early years of a programme, while plans are being put in place and recruitment of extra staff is taking place, less money will be spent than will be spent in the later years of that programme. However, I will give members some idea of the scale of the programme and the increase in funding.

In the first year of the programme, less than £10 million was spent in our schools. In this financial year, £179 million will be spent through the attainment fund. That includes the money that goes through schools but £120 million will be spent through the pupil equity fund, which has been received positively by headteachers and teachers generally, certainly in the schools that I have visited and much more widely. Every penny of that money will be dedicated to raising attainment and closing the gap that we have identified and which everyone in the chamber wants to see closed.

Ruth Davidson: The First Minister knows that there are serious questions about other parts of her attainment challenge scheme. Yes, there are millions of pounds in the attainment fund that have not yet been spent, but there are also serious questions about the way in which the pupil equity fund is being allocated. That £120 million is designed to be targeted at the poorest pupils across Scotland. Claims are being made across the sector that that money is instead being spent on plugging gaps that have been left by budget cuts or to pay for other costs, such as campus police, staff bonuses, and installing an astroturf pitch. That is all well and good, but it is hardly closing the attainment gap.

Can the First Minister assure me today that taxpayers' money that is intended to help poorer pupils will do just that and will not be siphoned off elsewhere?

The First Minister: Ruth Davidson is simply wrong about this. However, if she wants to bring me examples of attainment fund money not being spent on measures that headteachers consider will help to raise attainment, I will look at them.

One example has been rehearsed in the chamber previously. If memory serves me correctly, it was about North Lanarkshire and there was a suggestion that the money was not being used in an additional way, as intended. The Government stepped in—it was criticised by Labour for doing so—and made sure that that money was additional to other budgets. We will absolutely continue to take that approach.

I would have thought that Ruth Davidson would have welcomed the key point about the pupil equity fund: it is not for me, for the education secretary, or for local councils to determine how the money is spent. It is for individual headteachers, in consultation with their staff and parents, to decide how that money is spent, based on their assessment of what will best raise attainment and close the gap.

In recent times, I have been to a number of schools in which I have seen at first hand the work that has been done. Perhaps, at first glance, many people would wonder whether some of those things are appropriate in raising attainment, but in the headteachers' assessment, they are. For example, I was at a school recently at which attendance had been an issue, so the school took some pupils and parents on a weekend trip. Attendance has improved in some of the most deprived communities because of that. Those are the things that headteachers say help to raise attainment in their schools.

My final point is this. Ruth Davidson said that concerns about the pupil equity fund are widespread across the sector. Frankly, she needs to get out more and visit a few more schools. When I visit schools, I hear that the pupil equity fund is the single most important thing that is happening in raising attainment in our schools.

Ruth Davidson: I started my questions today by saying that where or if progress has been made, we welcome it. However, the fundamental point is that if we are going to close the attainment gap, we need the teachers to do it. During the past six years, there have been 1,000 empty places in training colleges. The Scottish Higher and Further Education Funding Council said that those places were needed but they were never filled.

The targets have been increased, but this year alone, there are more than 500 vacant secondary school trainee places. We all want schools to improve. We all want the attainment gap to close. However, if the money is not being released and

not going where it should, and if the staff are not being recruited, how will that ever happen?

The First Minister: There are more young people and people generally in teacher training. We know that recruitment is an issue and not just in Scotland. Last week, or the week before, I heard the education minister in England saying that recruitment was one of the most significant challenges that is faced there. However, in terms of vacancies in our schools, the figure is lower than 1 per cent of the overall number of teachers; and, of course, we have in place a range of schemes and initiatives to boost recruitment into the teaching profession and into our schools.

Ruth Davidson asked me a stream of questions, about the attainment fund in particular, that I have to say are simply not well founded. On the interim evaluation—we should remember that it is the interim evaluation of the first two years of the attainment fund, so it is prior to the pupil equity fund kicking in—78 per cent of headteachers say that there has been improvement or that they expect to see improvement as a result of the attainment fund, and 97 per cent of headteachers expect to see improvements in closing the attainment gap over five years as a consequence of attainment Scotland fund initiatives.

In literally every school that I visit, I hear a range of issues being raised, but the pupil equity fund is considered by headteachers, teachers and parents who I speak to as the single most important transformational thing that has been done in our schools to help close the attainment gap. I would hope that, instead of moaning about that, Ruth Davidson would get behind it because it is one of the things that will help us in this Government to close that attainment gap for the benefit of pupils across the country, now and for many years to come.

Scottish Government Contracts (Workers' Wages)

2. Richard Leonard (Central Scotland) (Lab): Last week, I raised the serious issue of umbrella companies charging workers on Scottish Government contracts for the privilege of being paid their wages. Can the First Minister tell us what steps her Government has taken in the past seven days to investigate that con trick and to crack down on it?

The First Minister (Nicola Sturgeon): Yes, I can. Immediately after the issue was raised by Richard Leonard last week, Transport Scotland ordered an urgent investigation into it. The payslip that was sent in the past couple of days—I think—to my office from Richard Leonard was found to be from an employee who was employed on the Aberdeen western peripheral route project through an agency by one of the subcontractors. This next

bit is quite important—not just for people who are listening in the chamber, but for those outside the chamber. It is, of course, at the discretion of individual employees to choose whether to work through an agency, but on the AWPR—

Members: Oh!

The First Minister: Hold on. This bit is important: there is no requirement for employees on the AWPR project to work through an agency, because the subcontractor offers to employ directly all employees who are working on the project. That means that any worker who wishes to be paid directly by the subcontractor can be paid directly, which avoids application by agencies of practices that I condemn. The contractor has confirmed that more than 90 per cent of workers who are employed through agencies are paid on a pay-as-you-earn basis and that all direct employees—all employees have the option of being direct employees—are paid on a PAYE basis.

We take the issue very seriously, and I deprecate the conduct by agencies that was outlined last week. However, it is not required that anybody who is working on the AWPR project be employed through an agency, because there is the opportunity for direct employment. I hope that Richard Leonard warmly welcomes that.

Richard Leonard: Evident from that answer, and borne out by my understanding, is that no one from the Scottish Government or Transport Scotland has, over the past seven days, contacted the trade union that represents the workforce on the Aberdeen bypass. The First Minister said that she is outraged by this issue, but her Government has made no attempt to contact the trade union about it.

I make it clear that the exploitation is not confined to just one project; workers on the Waverley station platform extension project, just half a mile from Parliament, have also been charged just to get their wages. I can show members a copy of the payslip of a worker on an hourly wage that is based on the national minimum wage who, on top of that, had to pay a fee to an umbrella company to get his wage. The payslip is dated 11 January this year. Is not it the case that the First Minister has no idea how widespread the practice is in the public projects that she funds?

The First Minister: I will come on to the Waverley project in a second, because I want to comment directly on it. However, before I leave the AWPR issue I say that I am sorry if there has been no contact with the trade union and that we will contact it. We did what Richard Leonard asked us to do: we investigated the issue, and I have given the explanation that I deprecate the practice

of anybody who is employed by an agency having to pay to get their wages. However, on the AWPR project, there is no requirement for any worker to be employed through an agency, because the opportunity of direct employment exists. That is a contract funded by the Scottish Government. I had hoped that that would have been welcomed by Richard Leonard.

I come to dealing directly with the Waverley station project. It is a Network Rail contract: I have to point out to Richard Leonard that the Scottish Government has no involvement in the awarding of Network Rail contracts, despite the fact that we fund them. Network Rail is a wholly owned subsidiary of the United Kingdom Government and remains accountable to the United Kingdom Government. However, in the spirit of consensus, I say to Richard Leonard that if he wants to join me right now to ask, as we have asked many times in the past, for responsibility for Network Rail to be devolved to this Parliament and Government, we will make common cause on that.

Richard Leonard: Let us be clear. This is about taxpayers' money, and about the exploitation of workers through unethical business practices, half a mile from this Parliament, with Scottish Government money. That is not good enough, but the First Minister can do something about it, because Carillion is gone and a new contractor will take over the work in a matter of days.

Meanwhile, the workers on the project have been left in limbo. They deserve some reassurance today. This Parliament and Government should never underwrite immoral exploitation of working people, so will the First Minister commit today to working with the union to protect the workforce, and will she ensure that no worker on Scottish Government funded contracts will be charged simply to get their wages?

The First Minister: I think that I am speaking in English, and that most people who are listening to me would understand what I am saying, but Richard Leonard does not appear to understand. I have set out clearly the issue on the AWPR, and I could not have made it clearer that I deprecate the behaviour by agencies that Richard Leonard has outlined, but I make the point that direct employment, in which those practices do not happen, is offered to all employees on the AWPR contract.

On the more general issues, we expect companies that deliver public contracts to adopt ethical and fair business practices, despite employment law being a reserved matter. Richard Leonard may not like that, but it is a fact. We use all the powers that are at our disposal to encourage ethical business practice and to drive inclusive growth.

I return to Network Rail. We fund the contracts, but we do not have control over awarding of Network Rail contracts. In case Richard Leonard did not hear it the first time, I repeat that Network Rail is a wholly owned subsidiary of the UK Government. We could fix that, but it would involve Richard Leonard doing more than willing an end; he has also to will the means. If he wants the Scottish Government to be able to do those things—I do, too—he has to help to equip us with the powers to do them. I will give him another opportunity. Will he join me right now in calling for responsibility for Network Rail to be devolved to this Parliament—yes or no?

The Presiding Officer (Ken Macintosh): There are a number of constituency questions. The first is from Sandra White.

Glasgow Sauchiehall Street Fire

Sandra White (Glasgow Kelvin) (SNP): The First Minister will be aware of the massive fire that has occurred in Sauchiehall Street in Glasgow city centre, which has engulfed Tiffany's and is now in the Pavilion Theatre. Sauchiehall Street is now completely closed down. Will she offer the emergency services, Glasgow City Council, local businesses and the general public any further help that they require at this terrible time?

The First Minister (Nicola Sturgeon): That is a deeply concerning incident in the city of Glasgow. As I understand it, at 8.18 this morning the Scottish Fire and Rescue Service was alerted to reports of a well-developed fire that had taken hold in the roof space of a commercial premises. A number of fire engines were mobilised to Sauchiehall Street, where firefighters are currently at the scene working to extinguish the fire. I understand that crews have already safely evacuated the occupants of several nearby properties, but firefighters remain at that extremely challenging scene. Our thoughts and our thanks are with them, right now.

The Scottish Government's resilience unit will remain in contact with the fire service as the incident develops, and I will be kept updated over the course of the day. However, I am sure that the whole Parliament will want to convey our thoughts to everybody who is affected by what appears to be an extremely serious incident.

Aberdeen City Council (Funding)

Liam Kerr (North East Scotland) (Con): I seek factual clarification from the First Minister. The Scottish Government tops up council funding such that no council gets less than 85 per cent of the Scottish average. This morning, a report suggests that Aberdeen City Council's top-up is £1.6 million short of that minimum. In the media, the Scottish Government says that top-up funding has been

given, but it does not say whether it meets the 85 per cent minimum. I will ask a genuine question to clear up the confusion. Does the top-up funding that is given to Aberdeen City Council meet the expected floor or not?

The First Minister (Nicola Sturgeon): We introduced the 85 per cent floor to which Liam Kerr refers, and which had, I know, been called for for a long time. I will ask the Cabinet Secretary for Finance and the Constitution to write to him later this afternoon with the specific amounts in terms of funding for Aberdeen City Council. However, the guarantee to councils is an important one to which we are fully committed not just this year, but for the future.

Highlands and Islands Airports Ltd (Car Parking Charges)

Tavish Scott (Shetland Islands) (LD): The First Minister may be aware that, last Thursday, Highlands and Islands Airports Ltd announced its intention to introduce car parking charges at Sumburgh, Kirkwall and Stornoway airports. She will be aware that Sumburgh is 25 miles from Lerwick and that there are no direct public transport links to most of Shetland. Highlands and Islands Airports Ltd has done that with no consultation whatsoever. Will she look into the matter and reverse that decision?

The First Minister (Nicola Sturgeon): I will certainly look into the matter. I absolutely understand the point that Tavish Scott makes, given the geography of the airport in Shetland. If it is the case that there was no consultation, that was remiss of Highlands and Islands Airports Ltd. However, I will look into the issue and get back to him when I have had the opportunity to do so.

Multiple Sclerosis (Stem-Cell Treatment)

Mark Griffin (Central Scotland) (Lab): I want to raise with the First Minister the case of my constituent who was diagnosed in 2016 with remitting and relapsing multiple sclerosis. I am doing so because that person is desperate to know whether NHS Scotland will provide new stem-cell therapy treatment that has this week been described as effective and safe and a “game changer” The trial produced results that were

“stunningly in favour of transplant against the best available drugs”.

With there being higher than average incidence of MS in Scotland, will the First Minister confirm for my constituent what consideration has taken place in the Scottish Government to have the treatment made available to Scottish sufferers of MS just as soon as it will be in England?

The First Minister (Nicola Sturgeon): I thank Mark Griffin for raising a very important issue. We

know that there is a higher incidence of MS in Scotland—not just higher than in other parts of the United Kingdom, but higher than in many other countries.

We are absolutely determined that patients with MS have access to the best possible treatment. As Mark Griffin will be aware, decisions on access to medicines are taken by the Scottish Medicines Consortium, and there is an independent and rigorous process. I will have the Cabinet Secretary for Health and Sport write to him about the specific treatment and the stage at which it is in that process. Such decisions are taken independently of ministers.

As Mark Griffin will be aware, a range of reforms to the process have been made in recent times in order to improve access to treatment—not just for MS patients but for patients with a range of conditions. It is an important issue: we want to make sure that patients are getting the best possible treatment. The health secretary will update Mark Griffin further in the next few days.

Avon Gorge (Closure)

Angus MacDonald (Falkirk East) (SNP): The First Minister will be aware of yesterday’s closure of the A801 at the Avon gorge, which is in my constituency, for a period of five weeks due to the appearance of significant cracks in the carriageway, which is causing disruption to businesses and residents in the Falkirk district and West Lothian. The A801 forms a key strategic link between the M8 and M9 corridors and provides a strategic freight route between Grangemouth docks and various distribution centres in West Lothian. It has also been an accident black spot for decades.

The project to build a replacement crossing at the Avon gorge has been shovel ready for more than four years, but work is not scheduled to start on it until 2020-21. Will the First Minister advise what options the Scottish Government has to help Falkirk Council and West Lothian Council to bring forward that project, given the current condition of the A801 at the Avon gorge?

The First Minister (Nicola Sturgeon): I thank Angus MacDonald for raising an issue that is hugely important to his constituency. The A801 is vital to communities and businesses in Falkirk and, indeed, West Lothian. It also has strategic importance in linking the docks at Grangemouth with the industrial and distribution facilities along the M8 corridor.

The Government has approved a tax incremental financing business case from Falkirk Council, which envisages contributing to the cost of the scheme, with the remainder of the funding coming from West Lothian Council and the

Scottish Government. I understand that Falkirk Council's business case notes that a review will be required to confirm that it is viable to commence the upgrade. I will ask officials at Transport Scotland to initiate discussions with the two local authorities, to establish a programme for that review and, ultimately, delivery of improvements, and I will make sure that either I or the Minister for Transport and the Islands write to Angus MacDonald with a full update, in due course.

Low-emission Zone (Glasgow)

3. Patrick Harvie (Glasgow) (Green): The First Minister knows that Glasgow, among other places in Scotland, has suffered illegal levels of air pollution for many years, with a profound effect on people's health, and that transport policy has been making that worse.

We are now, finally, seeing steps towards a low-emission zone in Glasgow, but we have a responsibility to make sure that this first zone in the country does not set a precedent for weak action, because dozens of other communities around Scotland need there to be a sense of urgency.

Glasgow City Council's proposals have been widely criticised as painfully slow in relation to the timetable for buses to comply with the zone, and there is no action on private cars and other polluting vehicles. Friends of the Earth Scotland—of which I am a member, as is recorded in my entry in the register of members' interests—has described what is proposed as a “no ambition zone”.

Greens and other opposition councillors have worked together to try to improve things. Does the First Minister accept that, as it stands, this half-hearted plan guarantees that Glasgow will fail to achieve clean air by the Government's target date? To borrow the First Minister's phrase, if we will the end, surely we must will the means.

The First Minister (Nicola Sturgeon): I do not entirely accept Patrick Harvie's characterisation of the low-emission zone plan in Glasgow, although I am sure that the council will continue to discuss with a range of interests changes or improvements that can be made. For example, the Glasgow low-emission zone proposal incorporates all vehicles and therefore represents one of the most challenging all-encompassing low-emission zones in Europe. It is more akin to the London ultra-low-emission zone, in contrast to many other zones in Europe, which target only specific vehicles and set much lower targets for emission levels.

I understand the frustration when there are lead-in times, but a very high number of European zones have utilised a four-year lead-in time. That is based on pragmatism, to allow time to adapt

vehicles. However, we should not wait until the deadline to act: all road users should start to prepare now, notwithstanding that lead-in times are essential to allow owners to prepare for the new emissions standards prior to enforcement starting.

I am sure that there will continue to be discussion, but I think that Glasgow is to be commended for getting ahead of the game. Of course, we have wider plans in place for rolling out low-emission zones in other areas.

One of the criticisms of the Glasgow plan that I have heard is that it will have no signs to mark entry points. The intention is actually the contrary; the intention is that automatic number plate recognition cameras will be developed and utilised to help with enforcement.

I encourage everyone who has an interest in the issue—and that should be everyone who lives in or visits the city of Glasgow—to engage with it over the next period. Of course, in Scotland we have set more stringent air quality targets than have been set in the rest of the United Kingdom. I know—or at least I hope—that that is something that Patrick Harvie welcomes.

Patrick Harvie: I am very sorry to hear that the First Minister does not accept any of the valid criticisms that have been made. Even if we use the figures and analysis of the impact from the Government's own environment agency—the Scottish Environment Protection Agency—it is impossible for the low-emission zone as currently proposed by Glasgow City Council to eliminate illegal air pollution levels in Glasgow on the timescale that is being set out.

We also know that there seems to be a lack of clarity. The council does not seem to know even whether it can access all of the £10.8 million that the Government has allocated to the low-emission zone. It does not seem aware that the financial transactions figure of £10 million is available to it to invest. The money has been allocated, but it is not being spent, at a time when the Government is happy to issue press releases about the past 10 years of climate challenge funding while failing to back a net zero target for the next climate change bill.

Does the First Minister understand the genuine concern that it is Transport Scotland—her Government's agency—that seems, once again, to be the biggest barrier to change, given its acceptance of the self-interested arguments of profit-driven bus companies? Will she take on Transport Scotland's cautious business-as-usual attitude and turn the agency into a catalyst for change that pushes forward the agenda, gets the resources spent and challenges councils to do more instead of holding them back?

The First Minister: In my initial answer, I said that I did not accept Patrick Harvie's characterisation of the Glasgow proposals; I certainly do not accept his characterisation in his second question. However, I also said that I expected discussion and debate to continue on the detail. I expect a range of ideas to be put forward about how Glasgow can go further faster, and I hope that the city council will engage positively with that work.

Patrick Harvie mentioned a number of things. The climate challenge fund is a huge success. Last Friday, I was delighted to award the 1,000th grant under the fund. The fund has helped a range of community projects to deal with the impact of climate change.

The new climate change bill will be published in due course, and we will set out our thinking on renewed targets as part of that. I say with real confidence that the new bill will further establish Scotland as one of the leading countries in the world—if not the leading country in the world—in tackling climate change.

Air quality is a hugely important issue not just for the environmental reasons that we often talk about in relation to climate change, but for the health of people living in areas such as Glasgow. I should say that we meet domestic and European air-quality targets across much of Scotland. There are still hotspots of poorer air quality, so I welcome the Glasgow proposals. I say again that they incorporate all vehicles, which puts them ahead of many European comparators.

The discussion will continue, and I welcome that. Let us make sure that not just Glasgow but the other areas that need to take action do the right things to improve air quality for all.

China (Human Rights)

4. Willie Rennie (North East Fife) (LD): Next month, the First Minister is off to China for her first visit since the so-called “Scottish shambles”, when she was so easily duped into signing up with two Chinese companies that were offering £10 billion, although all they owned was a pub in Buckinghamshire and a suspect human rights record. When the economy secretary apologised last year, he promised a new human rights assessment process. Where is it? How many times has it been used?

The First Minister (Nicola Sturgeon): I was reading an update on that issue a couple of days ago. The economy secretary will come forward with an update in due course.

I am delighted to be visiting China in the Easter recess. The trip has been endorsed and welcomed by the Scottish Chambers of Commerce, the Scotch Whisky Association and, no doubt, others.

I will be in China promoting Scotland and the Scottish economy.

I will tell members what I will not be doing in China: I will not be mentioning Willie Rennie. If it was up to Willie Rennie, or if people listened to Willie Rennie, nobody would want to invest in Scotland, because all that he does is talk down Scotland and the Scottish economy.

Willie Rennie: Scottish Enterprise will have set up a number of signings with companies for the First Minister's visit to China. Can she confirm that all those companies have had a human rights check? Human Rights Watch is highlighting current human rights abuses. When she visits China, will the First Minister raise the case of Tibetan language rights advocate Tashi Wangchuk? Just last month, six United Nations human rights experts called for his release from prison. Will she speak up for lawyer Jiang Tianyong, who was jailed last November for defending Government critics? Will she speak up for human rights lawyer Wang Quanzhang, who was detained by police in August 2015, but has not been heard from since? Will she do the right thing and speak up for those people?

The First Minister: I will speak up for human rights in China, as I did on my previous visit there. I bow to nobody in my determination to play my part in promoting human rights internationally. I hope that that is an issue that would unite everyone across this chamber.

I will also speak up for Scottish companies, jobs, tourism and food and drink when I am in China, as I do when I am in any other part of the world, because my job is to promote Scotland, the Scottish economy and Scottish jobs. That is probably one of the differences between me and Willie Rennie.

Orkambi

Kenneth Gibson (Cunninghame North) (SNP): In 2016, 367 children and 541 adults in Scotland were registered as active cystic fibrosis patients. Two people living in my constituency have been in touch regarding the availability of Orkambi, a combination drug that is available as a single pill for treating cystic fibrosis.

Vertex Pharmaceuticals is engaged in fresh discussions with NHS National Services Scotland regarding the pricing of Orkambi. Although the ultimate decision for approval lies with the independent Scottish Medicines Consortium, the Scottish Government expressed the hope that Vertex will make Orkambi more affordable so that it can be used in Scotland. Will the First Minister update the chamber on the progress of those discussions?

The First Minister (Nicola Sturgeon): Kenny Gibson is right to point out—as I did in response to an earlier question—that approval decisions are taken by the Scottish Medicines Consortium, which acts independently of ministers and Parliament. However, last year, the health secretary strongly encouraged Vertex Pharmaceuticals to enter into discussions with NHS National Procurement. Those discussions are on-going and are commercially confidential at this stage, but I would strongly echo the health secretary's calls for Vertex to offer a fair price and resubmit an application for Orkambi to the SMC as soon as possible, in order that those who could benefit from the medicine can get access to it.

Drugs Deaths

Neil Findlay (Lothian) (Lab): Scotland has the highest level of drugs deaths in Europe. If those deaths were due to knife crime or flu, there would be national outrage. Carrying out the same policy and expecting a different result just will not work. Will the First Minister take a bold step and seriously consider working across the Parliament on a major change to drugs policy in order to end the public health crisis and prevent people from dying?

The First Minister (Nicola Sturgeon): It is a national outrage that so many people die as a result of drugs. Previously, we have had debates in Parliament about one of the issues being the cohort of people who used drugs when they were younger. We should all remember and welcome the fact that drug use among the younger population is falling, which is a good thing.

However, there is still a major challenge around drugs, and that is why we should be bold and innovative. I am very sympathetic to the recent proposal from health professionals in Glasgow, but we do not have the power to implement it. I would hope that there would be some cross-party consensus on asking the United Kingdom Government to give us the power to authorise proposals such as the one made in Glasgow—although I accept that that proposal would require widespread consultation in Glasgow.

Perhaps unusually, I agree with Neil Findlay: there is always a need for new and bold thinking on the issue, and we should try to come together to do that. Where there is an evidence base, we should be prepared and have the courage to do things that may be controversial and unpopular in some areas. I want the Scottish Government to be fully part of that and to lead on those issues.

European Union Negotiations (Fishing)

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Is the First Minister aware of the very real anger among fishermen, fishing

communities and people right across Scotland that, after being promised last week by Ruth Davidson that the common fisheries policy would not apply once we left the European Union, we find that we have surrendered at UK level and that in 2020, the CFP will apply without the UK, fishermen or authorities having any say in the rules that will apply to fishing? Does the First Minister share my anger?

The First Minister (Nicola Sturgeon): Yes, I do. Earlier in First Minister's question time, I was thinking that Ruth Davidson's choice of question—important though it was—was perhaps partly designed to keep her as far away from fishing as possible.

It is a really serious issue. This week we have seen a broken promise and a complete betrayal by the Scottish Tories of the Scottish fishing industry. It is disgraceful. It was only a week or so ago that Ruth Davidson was issuing press releases—co-authored with Michael Gove, of all people—saying that the fishing community would be free of the common fisheries policy by March next year. Now we find out that the Scottish fishing community will still be governed by the CFP—and, to add insult to injury, there will be no votes around the table for it. It is utterly disgraceful. The only question for Ruth Davidson and the Tories is: when she issued that press release a couple of weeks ago, did she know that the promise was going to be broken, or is she just completely out of the loop with her United Kingdom colleagues?

Organised Crime

5. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the First Minister what discussions she has had with the Prime Minister regarding Scottish limited partnerships and concerns regarding their reported involvement in facilitating organised crime. (S5F-02180)

The First Minister (Nicola Sturgeon): The misuse of Scottish limited partnerships is a serious concern, and the finance secretary has written on a number of occasions to urge action by the United Kingdom Government on the matter. Scotland has a strong international reputation for financial services, and it is important to prevent SLPs from being misused for criminal purposes.

Although I welcome the Prime Minister's correspondence to my Westminster colleagues yesterday, indicating that she will now engage on these issues, it is now more than a year since the UK Government's call for evidence on this matter closed. Despite that, the UK Government has yet to outline specific proposals on how it plans to tighten the regulatory framework around SLPs. To reinforce how seriously we take the issue, I have today written to the Prime Minister, pressing her to

take immediate steps to reform the law in this area.

Stuart McMillan: I am sure that the whole chamber welcomed the new regulations, which came into force on 26 June 2017 and brought around 30,000 Scottish limited partnerships into line with the new European Union-wide anti-money laundering rules. However, media reports are still appearing about SLPs allegedly being used for organised crime. Today's report in *The Herald* is very much to be welcomed, but will the First Minister commit to continually raising the matter with the Prime Minister to ensure that we protect Scotland's excellent business reputation, which is now more important than ever with Brexit looming?

The First Minister: I absolutely agree with the member. First of all, I very much welcomed the introduction of the People with Significant Control (Amendment) Regulations 2017, which came into force last June. They are aimed at identifying individuals and companies behind SLPs, which is an important first step in preventing their misuse.

However, as many have highlighted, there continue to be revelations of criminality being facilitated through SLPs. More needs to be done by the UK Government. This is a reserved area, and we will continue to press the UK Government to take concrete action to prevent the misuse of such partnerships.

It is also appropriate to take this opportunity to acknowledge the persistence of Westminster colleagues on the issue and the efforts of David Leask at *The Herald* and others to keep it in the public eye. Nevertheless, I assure the member that, as I have done in my letter to the Prime Minister today, the Scottish Government will continue to put pressure on the UK Government to take action and to ensure that people cannot act criminally using Scottish limited partnerships as a shield for their criminal behaviour.

Attainment Scotland Fund

6. Liz Smith (Mid Scotland and Fife) (Con): To ask the First Minister for what reason £15 million of the £52 million attainment Scotland fund provided to local authorities and schools has reportedly not been spent. (S5F-02164)

The First Minister (Nicola Sturgeon): I am tempted to give the same reasons that I gave to Ruth Davidson just a few minutes ago. However, our commitment is to invest £750 million over this session of Parliament, and that is exactly what we will do.

In 2015-16, spending through the attainment Scotland fund stood at less than £6 million—I think that I said £10 million to Ruth Davidson earlier—while in the coming year, £179 million of spending

is planned. That is a 30-fold increase, and it includes £59 million for the nine councils that form the challenge authorities and for the challenge schools across Scotland, and £120 million in pupil equity funding, which is, of course, spent at the discretion of headteachers in almost every school in the country.

As the programme has accelerated, some elements rolled their budget over into the following year, largely where time was needed to recruit staff. However, the value of making a pledge for the whole of the session was that it allowed the money to be rolled over and that not a single penny of the £750 million was—or, indeed, will be—lost.

Liz Smith: As well as the problems highlighted by Ruth Davidson, many local authorities have pointed out that the timescales for the financial year, which govern national and local government budgets, do not coincide with the timescales for the school year. They report that that is detrimental to the effective spending of the attainment fund, since the bulk of the activity has to be put into the period between October and April. Does the First Minister agree that that is a genuine concern among schools and will she agree to address the matter with considerable urgency?

The First Minister: We will of course talk to local authorities and schools about how we ease that. In the later years of the programme, it will be less of an issue, because there will be more certainty about funding between different years.

I am sure that the member will appreciate that, to some extent, the timescale of our budgets is dependent on the timescale of Westminster budgets, because so much of our funding is still determined by the block grant. The Finance and Constitution Committee has recently been looking at that issue in detail. Within those restrictions, though, we will do all that we can to ensure that there is as much certainty as possible about the funding available to schools, which will allow them to use that money to maximum effect. It is a reasonable issue for Liz Smith to raise and we will continue to seek to address it.

Down's Syndrome Awareness Week

The Deputy Presiding Officer (Linda Fabiani): I ask those who are leaving the chamber to do so quietly, please.

The next item of business is a members' business debate on motion S5M-10188, in the name of Johann Lamont, on Down's syndrome awareness week. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the importance of Down's Syndrome Awareness Week, from 19 to 25 March 2018, in highlighting the contribution made by, and issues affecting, people with Down's syndrome; understands that Down's Syndrome Scotland is set to host a fundraising concert in Glasgow to launch the week; further understands that a number of young people with the condition are set to be commissioners and hosts for the forthcoming World Down Syndrome Congress, which is to be held in Glasgow in July 2018 where 1,200 delegates will visit the city, and wishes all involved the best for Down's Syndrome Awareness Week.

12:48

Johann Lamont (Glasgow) (Lab): I thank colleagues from across the chamber for their support for the motion and for staying to attend the debate. Indeed, I have been struck by the number of people who have given their apologies for being unable to remain for the debate, but who support the issues that are being highlighted. I regard it as an honour to lead the debate.

Down's syndrome awareness week presents us with the perfect opportunity to improve awareness, knowledge and understanding, and to help society to see past Down's syndrome. The week ties in with the United Nations-recognised world Down's syndrome day, which took place yesterday. It is therefore timely that we in this Parliament are joining the global efforts to advocate the rights, inclusion and wellbeing of people with Down's syndrome.

The Deputy Presiding Officer: Excuse me a moment, Ms Lamont. I ask those who are leaving the public gallery to do so quietly, please.

Johann Lamont: I am sure that I am not the only person who has been inspired by all the activities, on social media and elsewhere, highlighting the talents and abilities of people with Down's syndrome.

I commend Down's Syndrome Scotland for organising the special concert on Sunday evening that formally launched the awareness week and raised funds for people living with Down's syndrome. I had the pleasure of attending the event and thoroughly enjoyed the show. I am also

grateful for the information and advice that Down's Syndrome Scotland provided in advance of the debate.

The key theme for this year's awareness week is inclusion and employment. Employment rates for people with disabilities, including Down's syndrome, are far below the national average, as opportunities for paid employment remain limited and the transition from education to the workplace continues to be a challenge. There is a need to better support the transition from education to employment, as well as to encourage employers and other partners to see a person's abilities, not just their Down's syndrome.

The prevailing stigma surrounding people with Down's syndrome can result in low expectations, discrimination and exclusion, thereby creating communities in which people can find it difficult to integrate with others. The fact that there has been significant progress in attitudes from when I was a little girl is down to the work of families and people with Down's syndrome to challenge people's preconceptions. To move forward, we need to have families and people with Down's syndrome at the centre of the process of changing policy.

Despite some progress, negative assumptions and discrimination persist towards people with Down's syndrome. Misconceptions include outdated ideas that people with Down's syndrome are always happy, that children with Down's syndrome cannot attend mainstream school, that people with Down's syndrome cannot read or write and that they cannot hold down a job.

Last year, Down's Syndrome Scotland published a report entitled "Listen to Me, I have a Voice: Healthcare experiences of children and adults with Down's syndrome and their families in Scotland". It focuses on the experiences of people with Down's syndrome with healthcare professionals and services. One of the recommendations is for all professionals to ensure that people with Down's syndrome and their families are treated with dignity and respect through the use of people-first language.

People with Down's syndrome are all unique individuals and each should be acknowledged as a person first and foremost. Down's syndrome is only a part of a person. That is why we should always use people-first language—for example, instead of saying "a Down's child", we should say "a child with Down's syndrome". It has been argued that, by using the right language, we can help to raise awareness and challenge negative stereotypes of Down's syndrome.

Good transitions are crucial to guaranteeing successful education and employment. Awareness week 2018 gives us an opportunity to raise the issue of transition for school leavers with Down's

syndrome. Down's Syndrome Scotland indicates that it continues to receive feedback from families regarding the lack of support that too many encountered at that crucial time. "Nobody is aiming high for our kids," says one parent, while another explains, "People need to feel they are useful."

Successful engagement on transitions relies on establishing trust between young people, their parents and professionals. Trust cannot be achieved without good communication between all the parties involved. Transitions can lead to anxiety and loneliness for young people and their parents, who worry about the lack of opportunities.

Down's Syndrome Scotland has indicated that it would welcome better data on positive destinations and better information about pupils who leave school. The organisation knows of some members who spent years at college and ended up with no job. Parents have also reported that, as the end of school approaches, they agree to whatever is offered to them because of a lack of options and the fear that, otherwise, their child will end up with nothing. That cannot be acceptable.

Down's Syndrome Scotland does not think that those examples can be described as positive destinations and believes that the transition for pupils with Down's syndrome should be better monitored and properly evaluated to assess the help that young people and their families receive at that critical time and to ensure that their progress and wishes are truly supported. I would be grateful if the Minister for Mental Health would reflect on that in her closing speech. If a positive destination is anything but that, it is essential that the Government acts to address that problem.

We all know how important work can be in giving people a sense of belonging and of contributing to their community. However, people with Down's syndrome say that accessing paid employment remains a significant challenge. According to the Scottish Commission for Learning Disability's research, the employment rate for people with a learning disability sits between 7 and 25 per cent, when Scotland's national employment rate is 73 per cent. Why is that not a source of greater outrage to us all?

Down's Syndrome Scotland believes that stronger actions are needed to challenge negative stereotypes in society and the workplace. We all have different abilities, and some young people with Down's syndrome might need more support than others to access work. However, a requirement for additional support should not become a barrier to giving young people a chance to develop their skills and to contribute to Scottish society. It should be considered a right for all young people to achieve their potential. It is also essential to provide enough support to employers.

The world Down syndrome congress, which will take place in Glasgow in July, will bring together people who have Down's syndrome, their families, carers, professionals and others who have an interest in their lives. A number of adults and young people with Down's syndrome are preparing to be commissioners or hosts for the congress. They will play a vital role in ensuring that those who attend the event have a truly great experience. More than 1,200 people are expected to attend, and I am sure that everyone in the chamber will join me in wishing the organisers and volunteers the best of luck. Securing the congress is an amazing achievement for all those involved, and I am sure that the congress will make all the work worth while.

All year round, Down's Syndrome Scotland and its members work tirelessly to tackle stigma and encourage greater inclusion in schools, the community and the working environment, which enables people to live, work and participate with confidence and independence. I hope that this afternoon's debate helps to inform members' understanding of the challenges that people with Down's syndrome face when it comes to the transition from education to employment. I hope, too, that it leads us to reflect on what we can do to help people with Down's syndrome to reach their full potential, and that we respond to their energy in bringing the issues that I have discussed to our attention.

12:56

Kenneth Gibson (Cunninghame North) (SNP): I thank Johann Lamont for securing debating time on the subject during Down's syndrome awareness week, which provides an opportunity to highlight the societal contribution that is made by, and the issues that affect, people with Down's syndrome in Scotland and beyond.

With approximately one in every 1,000 babies born with the condition, Down's syndrome is the most frequently recognised form of learning disability. The condition occurs randomly at the point of conception and affects males and females alike. As Down's syndrome is such a common feature of our society, this week also offers a chance to commend the essential services that are provided by the individuals and organisations across the country that work to improve the lives of people with Down's syndrome.

Perhaps the most influential of those organisations in Scotland is Down's Syndrome Scotland, which is a parent-led charity that was established in 1982 with the vision of creating a society that fully accepts people with the condition. It is currently the only charity in Scotland that is dedicated solely to supporting people with Down's syndrome and their carers, and it provides all-

through-life support across Scotland. With eight branches across Scotland, the charity provides constant support and a wide range of clubs and activities thanks to its dedicated volunteers, and it aims to assist families and individuals through fellowship and friendship.

The key theme for this year's awareness week is inclusion in employment, which was selected because employment rates for people with disabilities fall far below the national average, as Johann Lamont indicated. Opportunities for paid employment remain limited and the transition from education to the workplace continues to be a challenge. Therefore, the transition must be eased and employers must be encouraged to see a person's abilities and not just their condition.

Over the past few years, the Scottish Government has worked to improve the quality of life of people with Down's syndrome through important strategies such as "The keys to life" and "A Fairer Scotland for Disabled People", but recent reports show that more work is needed on implementation.

Eradicating stigma around Down's syndrome is important. To do so, DSS recommended using people-first language that acknowledges individuals with Down's syndrome as people first and foremost, rather than defining them by their condition.

All eyes will be on Scotland this July, when the SECC will host the triennial world Down syndrome congress, which will deal with topics such as experience, research and practice, widening opportunities and improving lives. The congress will bring together people with Down's syndrome, their families, carers and others with an interest in their lives. Well over 1,000 delegates are expected to attend the four-day event. The congress will be a fantastic opportunity to highlight the progress that is being made internationally, and for those from different walks of life and diverse backgrounds to share their experiences.

Raising awareness of Down's syndrome this week can take many forms, including wearing odd socks, holding a tea for 21 party, attending an awareness event, making a charitable donation or simply sharing a hashtag on social media. Online negativity and harassment might seem all too prevalent, but digital content that facilitates positive discourse can have far-reaching effects.

Just last week, two videos that shared a positive message about Down's syndrome went viral. A video of five-year-old Chloe Lennon from Irvine, Ayrshire, has been shared more than 330,000 times across the world, racking up more than 10 million views. In the video, which was posted by her mum Jade, she explains that world Down's syndrome awareness day is on 21 March, and she

encourages people to wear odd socks that day as part of the lots of socks celebration. The video had an inspiring effect, with thousands of positive comments and messages flooding in.

In addition, a group of 50 mothers of children with Down's syndrome collaborated on a "Carpool Karaoke"-style video to raise awareness and help change attitudes. The video, which is called "50 Mums | 50 Kids | 1 Extra Chromosome", is being shared with the hashtag #wouldntchangeathing, and it carries a heart-warming and powerful message about disability, diversity and inclusion. One mother who participated in the project said:

"We wouldn't change our children, but we want to change the world for our children."

I am sure that any parent can empathise with that statement and, in a more universal sense, an increasingly inclusive society is something that we all ought to strive towards. As such, marking this week with debates such as this is incredibly important. The reaction to those videos is testament to the fact that visibility truly matters, and it proves that we must work together to ensure that our society reflects the needs of all.

13:00

Brian Whittle (South Scotland) (Con): I also thank Johann Lamont for bringing this debate to the chamber, and I am grateful to have the opportunity to contribute.

Down's syndrome is discussed as a disability. First, I want to highlight again that the word "disability" is a misnomer. Time and again, we are reminded of the contribution to our society that the so-called disability community make. For example, just last week we lost one of the greatest minds of our time in Professor Stephen Hawking, who no one could deny has had an astonishing impact on our understanding of physics, cosmology and our universe, no less. The winter Paralympics have just concluded, with athletes, including ones from these shores, performing at the highest level of physical and mental ability—ability that has been on show for all of us to marvel at. I have also been lucky enough to have coached athletes in Paralympic sport and the special Olympics—indeed, I still do—as well as so-called able-bodied athletes. They all train together in squad sessions, although there are individual nuances, because every athlete who I have ever coached is an individual with individual traits and abilities. Therefore, I respectfully suggest that we talk about "ability" not "disability".

That gives me the opportunity to discuss local Ayrshire heroine Fiona Dawson, a young woman with Down's syndrome. She is often seen by the side of the Prestwick swimming pool, where she volunteers as a swimming coach for children and

adults. Fiona is a member of team GB's Paralympic team and has travelled the world in pursuit of sporting excellence. She also works part time in an office and a shop, which means that, as was highlighted by Johann Lamont, she is in a minority, as only around 5 per cent of adults with learning disabilities are in paid employment.

It is entirely appropriate that, in Down's syndrome awareness week, we take the opportunity to highlight that anomaly. Part of the issue is that employers are unaware that support might be available for them if they employ people who have specific needs. In that regard, Jeremy Balfour and I were invited to deliver a workshop in East Ayrshire to local employers that highlighted the many benefits of having a workforce that reflects society and the fact that someone's having a so-called disability does not detract from their ability in the workplace. It was obvious that many employers in the room had a view of the disability workforce that was contrary to reality. I commend my colleague Jeremy Balfour for effectively changing the perception of many people in that room.

Fiona Dawson has spoken of her experiences, saying that the public are terrified of disability in general. She says that it is a label, and that it is hard for the public to find the person behind the label. That is what we are helping to tackle today in the chamber, and I would suggest that it is why this debate is so important. We need to show potential employers and the general public at large that we are all different and that we all have abilities and disabilities, some visible and some not. The ability to work and support oneself—which Johann Lamont highlighted—speaks to confidence, resilience and self-belief in every walk of life, and it is incumbent on us in this place to do all that we can to ensure that inclusion means exactly that and that any barriers, real or perceived, are removed.

I know that, now that she has qualified, Fiona Dawson would like to follow her voluntary work as a swim coach with a position that affords her a paid coaching position. She has an obvious talent that should be deployed to the best of her ability to the benefit of society as a whole.

I will end where I started by stating that the discussion should always be about ability, not disability. We owe it to the around 750 babies a year who are born with Down's syndrome, just as we owe it to every other person, to ensure that they have an equal opportunity to explore their talents and passions to the very best of their abilities and to make the contribution to society that they surely can.

13:04

David Stewart (Highlands and Islands) (Lab):

I, too, congratulate Johann Lamont on bringing this important debate to the chamber and on her excellent speech.

I am sure that many members are aware that, historically, the treatment of those with Down's syndrome and their families makes for upsetting reading, sadly. Because of the lack of knowledge and understanding of the disorder, the medical recommendation to parents throughout the 1960s and even in the 1970s was for children who were born with Down's syndrome to be institutionalised. Wherever possible, care in the community is now encouraged for most conditions, but the transformation in public attitudes to Down's syndrome is thanks to the brave and determined parents who have championed the rights of their children over the past decade and who continue to do so. Organisations such as Down's Syndrome Scotland also do fantastic work in changing perceptions of what a life with Down's is actually like. That life can be truly fulfilling. It has challenges, but what life does not?

Throughout this week, there have been numerous stories of families and inspiring individuals who live and thrive with Down's syndrome. The journalist Jamie McCallum wrote in the *Sunday Herald* that, despite what he first expected when his daughter Rosie was born, his family is more like other families than different from them.

This week of awareness of the condition is a wonderful opportunity to celebrate individuals who have Down's and to appreciate how far we have come as a society. That is not to say that there is not much more work that could be done. Although much more information is available to parents than there was in the 1960s, we must ensure that it is adequately communicated.

Down's syndrome can come with various disabilities and increased likelihood of health problems, including heart conditions, visual impairments and thyroid problems. Equipping parents with information about those possibilities and how to handle them is essential to ensuring that every Down's child has the best possible start in life. It is crucial that our health professionals are able to advise parents and point out where care is available. That is especially so in rural areas such as the Highlands and Islands, which is my region, where there is often limited access to specialised care.

Organisations such as Down's Syndrome Scotland provide vital networks for families and young people to connect with and support one another. Members have referred to the world down syndrome congress, which will take place in

Glasgow in July. That is a fantastic example of such networking, and I am encouraged to hear of the opportunities for Scottish young people to participate as commissioners and hosts.

Many support organisations have grown from the grass roots out of necessity. Parents share their experiences with one another to fill a gap. Gaps will only widen while local services and support suffer under austerity. The dramatic drop in additional support needs teachers in our schools—there has been a 15.9 per cent fall in the past five years, despite rising needs—is a prime example that we cannot just shrug off. A lack of support in education will impact on children with Down's now and in later life.

Early intervention is important, but often the focus is solely on the care and support that families are given. With improvements in healthcare and treatments, the life expectancy of those with Down's is increasing, as it is for all the population. It is right that those who live into their 60s and 70s naturally seek more out of their lives. Therefore, there are serious questions to be asked about how we can support individuals with the condition in adult life.

Despite changing public attitudes, individuals with Down's will face a real employment gap, as Johann Lamont stated in her speech. Many find it difficult to find long-term and secure work. That is in the face of evidence that individuals with Down's make valuable team members. We need employers to take responsibility for encouraging the potential of those with learning disabilities and offering them real opportunities. After all, as the American educator and businessman Stephen Covey said:

“Strength lies in differences, not in similarities.”

13:08

Alex Cole-Hamilton (Edinburgh Western) (LD): I echo members' thanks to Johann Lamont for securing this important debate. I am grateful for the opportunity to speak in it. I love the fact that the gimmick for Down's syndrome awareness week is to wear odd socks. It turns out that I have been marking Down's syndrome awareness week every single day of the year.

We must recognise the importance of such events and of helping society to see past Down's syndrome, as the wider narrative around the week goes. I will come to this year's theme of employment, but I want to stay for a moment on the idea of getting society to see past Down's syndrome. I have always seen great industry, creativity and compassion in every one of my friends and co-workers and the people with whom I am acquainted who have Down's syndrome.

They have a capacity for romance and great humour.

In this awareness week, we should all remember that those who live among us with Down's—our neighbours and friends—represent a different kind of normal. However, society is rigged differently and does not recognise that different kind of normal, and the reason why we are here today is to challenge that.

From conception, the odds can be stacked against people with Down's syndrome. To stray into a slightly sensitive area, I do not for a minute want to challenge a parent's decision not to proceed with a pregnancy when Down's is detected—that should always be their right—but that should not be the default assumption of medical staff who offer advice at the time. We need to equip medical staff with an understanding of the way to speak to parents at that difficult time of decision making and scotch the idea that Down's is somehow a life sentence. I am grateful to my constituent Lynn Murray, who has done a lot of research and has worked with the medical profession on managing those conversations. We need to challenge stigma at every single stage of life for someone with Down's; we must also challenge the assumptions that we have all paid into at some point through popular culture.

It is right that the theme of this year's awareness week should be inclusion in employment, because the aspiration of every family with somebody affected by Down's syndrome is independent living, and employment is the absolutely central pillar in the ability to live independently. With employment, people can have a social network, feelings of self-worth and fulfilment and financial independence. There are very few tenets of society to which we all aspire, but that is absolutely one. As an MSP for a constituency in our nation's capital, I am proud of the many businesses and social enterprises that go out of their way to recruit not just people with Down's syndrome but those with other learning difficulties. For many years, I worked alongside people in the Engine Shed, just up the hill from here, which was a great social enterprise that worked in particular with people with Down's syndrome.

For those with any learning difficulty in our society, a parlous postcode lottery is attached to support. Families sometimes do not get the support that they need to help their children who have Down's syndrome through the transition that we have heard about and into employment, which is the theme of this year's awareness week.

I again thank Johann Lamont for bringing the debate to the Parliament, as it is absolutely vital. It is also vital that we do not just mark Down's syndrome once a year through the awareness week but that we keep it in our minds in everything

that we do in the Parliament. As I said at the top of my remarks, having Down's syndrome and living with it are just a different kind of normal.

13:12

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Nobody could fail to be moved by the video that was released earlier this week of 50 mums doing carpool karaoke with their precious children. They were full of life and fun, singing along by lip syncing or using Makaton. That video gives a little glimpse into families with Down's syndrome—the enthusiasm and laughter, and the tears and frustrations. It shows the reason why world Down's syndrome day is so important, which is that it teaches the rest of us a little bit more about Down's syndrome and all that comes with it.

Direct experience makes all the difference in the world. Jamie McCallum, an individual who helped to create that video and whose daughter Rosie was born with Down's syndrome five years ago, wrote that that experience transported him

“from spouting liberal platitudes on the periphery to centre-stage first-hand experience of the major shifts against society's most vulnerable in recent years.”

That is the significance of Down's syndrome day. It gives parents a platform to talk about the reality.

Over the past few decades, there have been huge changes. In the 1970s, when my uncle was born with Down's syndrome, my grandfather was told not to worry because there were places that would take my uncle, so he did not need to put up with him. That was only 40 years ago. We have gone from a situation in which people with Down's syndrome had a life sentence in an institution to their now living very full lives. The hashtag for the video of 15 mums doing carpool karaoke was #wouldntchangeathing. That is so true. My uncle celebrated his 50th birthday last year—he has just passed his 51st. Life expectancy was probably into the mid-20s 40 years ago. Now people are expected to live to 60 and beyond. At the turn of the century—in the 1900s—life expectancy was nine years. Huge progress has been made.

Attending my uncle's 50th birthday party, which Alexander Stewart was also at, was incredible fun, as is just spending time with my uncle and his friends, who also have Down's syndrome. They are unpretentious and happy, and could teach us so much about love and about care.

It is not always happy, but despite that, 97 per cent of families who have a family member with Down's syndrome say that they are far happier for having the condition in their lives. That is why—and I say this very carefully—it is heart-breaking that the figure for terminations of babies with Down's syndrome is 94 per cent. To quote Jamie again, that means that

“94% of people are opting out of something that has a 97% chance of making them happier.”

There is so much more work to do in raising awareness of what life is really like with Down's syndrome. People do not suffer it: people have Down's syndrome. We need to improve counselling and guidance for parents who face that difficult choice—and I do not underestimate the difficulty of the choice—and then support parents and families and people with Down's syndrome through all the ups and downs, the highs and lows, and the opportunities and challenges.

We think that we are wise, normal and fine, yet we are shamed by people who are happier, more loving and arguably more normal than those of us who work and strive and stress about absolute trivia. My uncle is always ready with a smile and a handshake—often while the rest of us cringe, wanting the ground to swallow us up—as he goes up to thank the staff at a restaurant or whatever for their service. He does not believe that there can be anything bad in anybody in this world. That is a far more normal state to be in than the normal that we claim.

13:17

Alexander Stewart (Mid Scotland and Fife) (Con): I am delighted to be able to participate in this debate and I congratulate Johann Lamont on securing it. As we have heard, we are here to recognise the importance of Down's syndrome awareness week, and awareness should indeed be encouraged beyond the many promotional activities.

I am always proud to highlight the contribution that is made by, and the issues that affect, people with Down's syndrome. It is what they can do and not what they cannot do that we should focus on. They want employment, they want to go to college and they want to engage their talents. Unlocking their potential gives them the opportunity to develop their self-esteem, independence and commitment, and we should do all that we can to support them in doing that.

Over the past 20 years, it has been my privilege to have worked closely with a number of organisations that are actively involved with individuals with Down's syndrome. Those groups value their roots in civil liberties and rights for individuals, and they benefit people living with all types of learning difficulties and disabilities.

I have a special relationship with Down's syndrome through my association with Ark Housing Association, which is a not-for-profit organisation that helps individuals who have learning difficulties. It has 400 properties across 13 local authorities and it employs about 1,000

staff. They support people who require assistance at home and in their community, enabling them to live good lives. The people whom they help, many of whom have Down's syndrome, get the chance to make choices. They want chances and opportunities within their lives to work, to be included and to support others. We should do all that we can to enable that, because they can make a massive contribution to the communities that they live in and represent. Ark provides them with care and support to ensure that they can unlock their potential, and it was my privilege to see that potential unlocked in many individuals, including Kate Forbes's uncle.

The second organisation that I have been involved with is the Stepping Stones theatre company, which is a highly acclaimed drama group that works across Perth and Kinross. I had the privilege of chairing that organisation and I still attend many of its events. Drama, dance and performing help in so many ways and the company is full of many stars who light up the stage with their amazing performances.

Down's syndrome is the most frequently recognised form of learning disability. Approximately one in every 1,000 babies worldwide is born with Down's syndrome. As has been said, the disease has developed, and individuals live longer and contribute more. In the past, Down's syndrome might have been seen as a life sentence for the family, but now it is seen as much more. Down's is life changing and it does not have a cure, but there are myriad ways to ensure that each individual person who has Down's syndrome is afforded the type and level of support that they need to develop their full potential.

The events that are taking place across Glasgow and the event that will take place there later in the year when the world Down syndrome congress comes to Glasgow are fantastic. They will give people a platform and give us an opportunity to stand up and be recognised in support.

I believe that everyone should have the opportunity to lead a happy, healthy and safe life, whatever their individual circumstances. I have truly been inspired by many individuals with Down's syndrome whom I have had the opportunity to work with over the years. I encourage everyone to take the time to become a friend of a person who has Down's syndrome, because it will be a truly enlightening experience such as the ones that I have enjoyed.

13:21

The Minister for Mental Health (Maureen Watt): I thank Johann Lamont for lodging her

motion, which brings Down's syndrome awareness week to our attention today, and I thank members across the chamber for their speeches in what has been an important debate in raising awareness of Down's syndrome.

I thank Gillian Martin for her motion that congratulates the Francis family from Turrieff on raising more than £1,000 for Down's Syndrome Scotland by hosting a coffee morning in the town. I say well done to the Francis family.

I also thank Ruth Maguire for her motion that congratulates five-year-old Chloe Lennon on her outstanding achievement in being selected as the UK ambassador for the US-based charity Nothing Down. Chloe and other ambassadors hope that people all over the world will wear odd socks for world Down's syndrome awareness day as part of the lots of socks celebrations. We all wish Chloe the very best for the future.

This morning, I was at Ayrshire College in Kilmarnock where, just last week, the college's Loren Gemmell was awarded the National Union of Students Scotland student of the year award. Loren is a stunning example of what can be achieved by someone with Down's.

Today, we celebrate Down's syndrome awareness week by focusing on the theme of inclusion in employment. We recognise the variety of events that are under way this week and congratulate all who are involved. I offer my personal thanks to Down's Syndrome Scotland for hosting Down's syndrome awareness week and for all its work in supporting families and people with Down's syndrome to reach their full potential. As David Stewart highlighted, the organisation does so much to highlight and signpost families and individuals to the support and opportunities that are available for those who have Down's.

As the minister responsible for the learning disability portfolio, I have been privileged to hear of the valuable contributions that people who have Down's syndrome make across civic Scotland in areas such as sport, culture, transport and education. People who have Down's syndrome want to contribute in all areas of life.

Like Kate Forbes, I was personally aware of Down's syndrome from a very young age as one of my mum's cousins was a woman with Down's. She lived to the age of 60 and died within the past 10 years. However, like Kate Forbes's uncle, she brought joy and laughter to our lives.

Down's syndrome is the single biggest cause of learning disability. We have heard of the significant improvements in the lives of people with learning disabilities. Moving beyond our shameful past of Victorian care to value the contributions that people who have Down's syndrome make, we have made vast strides in achieving change.

However, work still needs to be done. As the delivery period of Scotland's learning disability strategy, "The keys to life—Improving Quality of Life for People with Learning Disabilities" reaches its halfway stage, there is a once-in-a-lifetime opportunity to realise transformational change as the first generation of young adults with learning disabilities since the closure of the last long-stay hospitals in Scotland come of age. How we respond to that opportunity will influence the fortunes of future generations.

I could not agree more with Johann Lamont about the need to have better transitions between primary and secondary school, and between that stage and the world of employment. Despite "Principles of Good Transitions 3", Down's Syndrome Scotland and others have noted the lack of support, which is why the Scottish Commission for Learning Disability set up the employment task force following its employability report.

People with Down's syndrome have the same aspirations as everyone else, and they should have the same opportunities. I believe that the transformational change that we need will happen only if a whole-system, whole-population and whole-person approach is taken. That is why my officials are working with Ms Freeman's officials, who are responsible for the fairer Scotland disability delivery plan, and a range of key partners including Down's Syndrome Scotland to set out the Government's ambition for the next phase of delivery of "The keys to life". Achieving that ambition will require concerted effort across a range of policy areas.

Johann Lamont: I acknowledge the conversations that the minister is having with Jeane Freeman, given her responsibilities, but will she outline what conversations she has had or what discussions are on-going with the minister who is responsible for employment and fair work? There is a big issue about challenging employers on their responsibilities and ensuring that our thinking on employment and fair work includes consideration of the rights and entitlements of people with disabilities.

Maureen Watt: Johann Lamont is absolutely right, and we are having those conversations. I think it was Johann Lamont who mentioned the importance of reducing stigma among employers and others in order to give people the life chances that they need. For example, Loren Gemmell is studying marketing, but are employers going to see her marketing skills rather than her Down's? That is the challenge for employers.

Every person in Scotland with a learning disability, including those who have Down's syndrome, has the right to lead a meaningful life. However, despite the improvements in the lives of

people who have Down's syndrome, we know that many people experience the negative stigma that still exists. It is crucial to recognise that Down's syndrome is only part of a person and that people first language, which Johann Lamont also talked about, should always be used. A child with Down's syndrome is a child first and foremost.

During July this year, as Alexander Stewart and others mentioned, Scotland will host in Glasgow the 13th world Down syndrome congress. Led by Down's Syndrome Scotland, the congress will offer a unique environment for people to share experiences and learning with families from all over the world. The event will enable families to feel part of a global community and connect with people from diverse cultures, backgrounds and communities who face similar challenges and concerns to their own.

The most recent triennial congress was held in Chennai, India, during 2015, and a team from Down's Syndrome Scotland travelled to Chennai to promote the congress in Glasgow and take part in the official handover ceremony. During the ceremony, a film of the First Minister being interviewed by Andrew MacIntyre, a man with Down's syndrome, was shown. Andrew is one of the three leading commissioners in a team of 12 commissioners, all of whom have Down's syndrome and all of whom are participating in a specific training programme funded by the Scottish Government in the lead-up to the congress.

Earlier this week, the commissioners ran training sessions for more than 250 participants from Glasgow's taxi and hospitality sectors, with a further 150 being expected to participate in future sessions before the congress takes place. An estimated 1,250 delegates are expected to attend the congress. People who have Down's syndrome will be supported to be involved in all aspects of delivery of the congress.

Yesterday, on 21 March, we marked world Down's syndrome awareness day—a symbolic date reflecting the scientific advances in understanding the causes of Down's syndrome. During 2012, the secretary general of the United Nations stated:

"On this day, let us reaffirm that persons with Down syndrome are entitled to the full and effective enjoyment of all human rights and fundamental freedoms. Let us each do our part to enable children and persons with Down syndrome to participate fully in the development and life of their societies on an equal basis with others. Let us build an inclusive society for all."

Let us, across the chamber, echo those words today and reaffirm our commitment in this Parliament to work together to achieve transformational change in the lives of each and every person in Scotland who has Down's syndrome, committing to seeing every person as a

person: as an individual with talent and a valuable contribution to make.

13:32

Meeting suspended.

14:30

On resuming—

Major Infrastructure Projects

The Presiding Officer (Ken Macintosh): Good afternoon. The first item of business is a statement by Keith Brown on major infrastructure projects. The cabinet secretary will take questions at the end of his statement. If any member wants to ask a question, I encourage them to press their request-to-speak button now.

The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown): I will provide Parliament with an update on some major infrastructure projects, particularly the Aberdeen western peripheral route/Balmedie to Tippetry project, which is more commonly referred to as the AWPR.

The AWPR is the longest new roads project under construction in the United Kingdom; it is also the equivalent of building a new road between Edinburgh and Glasgow. When complete, the AWPR will provide substantial benefits across the whole of the north-east by boosting the economy, increasing business and tourism opportunities, improving safety, cutting congestion and improving opportunities for public transport facilities.

The AWPR contract was awarded in December 2014 to Aberdeen Roads Limited—or ARL—which is a joint venture comprising Balfour Beatty, Carillion and Galliford Try. When I attended the Rural Economy and Connectivity Committee on 24 January 2018, I advised that the intention at that time remained to open the road in the spring but that the date could not be guaranteed. Since then, officials have been closely engaging with ARL to determine likely delivery dates for the project, so it was surprising when Balfour Beatty, one of the partners forming ARL, revealed in its 2017 full-year results on 14 March 2018 that the project would be complete in summer 2018.

Consequently, I instructed officials to arrange an urgent meeting with ARL on Thursday 15 March to seek clarity on the views that had been expressed by Balfour Beatty. Transport Scotland met ARL's contractor on that date. At that meeting, ARL was asked to confirm formally its position on its intended completion date. On Monday evening, Transport Scotland received that confirmation. Officials instructed their technical advisers to validate the information in order that I could provide clarity to communities and businesses in the north-east on the timescale for completion of the project.

Yesterday, I received confirmation that that exercise has been concluded, and I will now provide an update to Parliament. ARL has

confirmed to Transport Scotland that its target is to open the roads during August 2018. The contractor has cited delays, which it attributes to factors including the cumulative effects of weather events on the project, such as storm Frank in 2015, and delays to the timing of public utility diversions.

On that last issue, I advise that ARL is maintaining a claim against the Scottish Government through which it is seeking to recover substantial costs. Disputes are not unusual in contracts of this nature and we are working with ARL to understand the basis of its claim.

An additional complicating factor has arisen from the collapse of Carillion, one of the joint venture partners. As would be expected in such a situation, Carillion's liquidation has had significant impacts across the UK. The delivery of projects such as the Royal Liverpool hospital and the Midland metropolitan hospital has been significantly impacted. I understand that new contractors are being considered to complete the projects. In contrast, the contract used for the AWPR made provision for such a scenario, with the remaining construction partners, Balfour Beatty and Galliford Try, being jointly and severally liable for the delivery of the project.

I am aware from third-party representations that there have been supply chain impacts on the AWPR as a result of the Carillion situation. However, I am also aware that the remaining construction partners are continuing to work through such issues to ensure that confidence in the north-east supply chain is maintained. As I announced in February, it is positive that the remaining construction partners on the AWPR have been able to take on more than 90 per cent of the former Carillion employees on the project.

I have said that the contractor has confirmed that its target is now to open the roads during August 2018. Transport Scotland has evaluated the information received from the contractor, together with independent assessments that were undertaken by its technical advisers. I have been advised that the conclusion of that work is that there is a range of dates when the project roads are likely to be ready to open. The earliest that all roads can realistically be open is likely to be towards the end of the summer period, which accords with the contractor's August estimate.

However, Transport Scotland's advisers have indicated that they consider ARL's August estimate to be based on somewhat aggressive programming, with limited contingency. Although I welcome the efforts that are being made by the contractor to secure as early an opening as possible, I have been advised that it is prudent to anticipate the potential for a late autumn 2018 opening date for all project roads. That said, we

are also establishing whether any further measures can be implemented not only to ensure that the project is delivered at the earliest opportunity but to identify whether sections of new road can be opened in advance of the whole project. Where that is possible without any impact on the timetable for completion of the project, we will ensure that those roads are opened.

As with all complex civil engineering contracts of this scale, delivery and completion of certain elements of work are dependent on a variety of factors including weather, the scheduling of other works and the availability of specialist resource. Indeed, in the past couple of weeks, weather in the local area has impacted on the project. As a result of those factors, it is not possible to confirm the exact completion date for the works at this time.

With regard to the contract, project programming and delivery are the responsibility of the contractor. The main payment mechanism for the project is through a unitary charge; in effect, payments are directly linked to the roads becoming open for public use. ARL is therefore contractually incentivised to complete the project efficiently while, of course, being obliged to comply with safety requirements.

The total scheme cost estimate remains unchanged at £745 million, and the project is estimated to generate more than £6 billion for the local economy, with an anticipated 14,000 new jobs to follow over the first 30 years after opening. Once open, the AWPR will cut congestion in and around Aberdeen city, reducing emissions and improving active travel. It will also improve connectivity in the region and provide better journey time reliability, particularly for those who are travelling from the north of the city to the south side.

A route around Aberdeen was first proposed over 65 years ago, and since the legal challenges were set aside in 2012, we have been working hard to deliver this essential project. I appreciate that residents and businesses of the north-east would wish the AWPR to be open as soon as possible, but I assure them that they will enjoy considerable benefits when it opens, which, again, will be at the soonest possible opportunity.

I also want to provide a brief update on other major trunk road projects across Scotland. On the A9 dualling programme, following the completion of the section between Kincaig and Dalraddy, the Luncarty to Pass of Birnam section is expected to be awarded in the first half of this year, and we also expect advance works to start there later this month. Following the recent publication of draft orders for schemes, representing 30 of the 80 miles to be dualled, I can advise that we now

expect to publish draft orders for a further four dualling schemes in the coming months.

Of course, the A9 dualling is not just about building roads. Just last week, my colleague the Cabinet Secretary for Finance and the Constitution, Derek Mackay, attended the launch of an A9 tourism application that is being taken forward as part of the Scottish Government's innovative CivTech challenge, which looks to new technology businesses to solve technological challenges. The app will help tourists to navigate the many visitor attractions and facilities in and around the A9 corridor.

Design work continues on the A96 Inverness to Aberdeen dualling programme, and the work that we are progressing includes a rolling programme of regular engagement with local communities and other stakeholders to ensure that those affected by the work are kept fully informed. It will also ensure that the vital feedback that we receive is taken into account as we develop our plans. To date, more than 11,500 people have visited public engagement events on the A96 dualling. Along with our commitment to dual the A9 between Perth and Inverness by 2025, dualling the A96 will ensure that the road network between all Scottish cities is of at least dual carriageway standard by 2030.

I trust that my statement has given members an indication of the extensive work that is under way across the country to bring forward these critically important trunk road schemes, which will build connectivity, improve access to education, jobs, tourism and other opportunities, and improve safety across Scotland's trunk road network.

I am happy to try to answer members' questions.

Dean Lockhart (Mid Scotland and Fife) (Con):

The announcement of yet another delay to the AWPR will come as a massive disappointment to the people of the north-east. The project has already been significantly delayed. The original completion date was spring 2017, but we have heard repeated announcements of delays from the cabinet secretary. First, there was a delay from spring 2017 to spring 2018, because of storm Frank in 2015, and then there was a delay from spring 2018 to summer 2018, for reasons unknown. There is now a further delay. The cabinet secretary's statement was not clear whether the latest completion date is August 2018 or late autumn 2018—the statement refers to both.

Against that background, I have the following questions for the cabinet secretary. What is the latest completion date that he can guarantee? Is it August 2018 or late autumn 2018, and does late autumn 2018 really mean winter 2018? Does the latest delayed completion date mean that the route

will be fully operational, or will that opening be subject to snagging and other issues? Does the cabinet secretary share our concerns about the impact that this further delay will have on people and businesses in the north-east?

Keith Brown: Spring 2017 was never given as a completion date. If Dean Lockhart can provide proof that it was, I would be interested to see it. The first completion date that I am aware of is the one that was announced by the former First Minister, which was spring 2018.

Balfour Beatty—not the Scottish Government—talked recently about summer 2018. I did not mention that; I mentioned, for the reasons that I gave in my statement, that we expect the completion date to be late autumn this year. That is partly to do with the weather. I visited the road recently, and people in the location of the bridge affected by storm Frank say that they had not seen weather like that for decades. That, and the weather more recently, have had a major impact on the project.

As a result of the collapse of Carillion, two of the projects that I mentioned have stopped completely and are likely to be years behind schedule. Although that has not happened to the AWPR, I understand the impact that the collapse has had, which has been mentioned by the contractor.

As I said about the Forth crossing, we cannot guarantee these projects. We have to work with the contractor. However, I do not want just to pass on what the contractor has said in this regard, which is that it expects to finish in August or September this year. The advice from my officials is that it may be late autumn, and I have given the reasons why my officials expect that to be the case.

On the issue of snagging, I do not think that the member fully understands how such projects work. Snagging is typical of all major construction contracts and happens after completion of the project. To respond to the member's specific point on that, when I say "opening", I am referring to the roads being open and available for use. It is of course possible that snagging will continue after that—that is fairly standard—but I am talking about the roads being open and available for use.

The member mentioned delays. Labour and the Conservatives first raised the issue of the AWPR in the local council in 1948, and Malcolm Bruce first raised it when he was elected in 1983. People in the north-east know that the Scottish National Party Government is the one that will deliver the scheme.

Jackie Baillie (Dumbarton) (Lab): I am not old enough to remember that.

We have had a 10-minute statement from the cabinet secretary but not one mention of the rights of workers who are employed on the Aberdeen western peripheral route project. Last week, Labour raised the following issues: allegations of bullying and harassment of the workforce on the project, the breach of agency-worker regulations, health and safety staff being ignored, and the subcontractor that had deployed gangmasters in the past. What action has the cabinet secretary taken?

At First Minister's question time, we raised the use of umbrella companies and bogus self-employment. The First Minister said that that is a matter of choice, but it is not a choice to struggle to pay the mortgage, it is not a choice not to get sick pay, and it is certainly not a choice not to have a decent pension. What action is the cabinet secretary taking to ensure that Scottish taxpayers' money is not used to exploit Scottish workers?

Keith Brown: Had Jackie Baillie listened to the whole of my statement, she would have heard me mention that many Carillion employees—more than 90 per cent—were taken on by the two other contractors. The Scottish Government was very active in ensuring that that was the case. That is not the situation in other contracts in the UK that I could mention, where the collapse of Carillion has meant that the project has stopped. That demonstrates our concern for employees on the AWPR project.

Over the years of the AWPR construction project, a number of issues have been raised with me, every single one of which we have taken up. Many allegations that have been made have turned out not to be true. However, on the occasions on which they have been true, we have investigated and taken action.

Some of the issues that Jackie Baillie raised related to First Minister's questions. The First Minister made the point that the employees who have sought to work through an agency, rather than to be directly employed, chose that—they had the choice to do one or the other.

On abolishing zero-hours contracts or taking action on employment law, Jackie Baillie knows full well—even if Richard Leonard pretends not to—that the Labour Party was instrumental in ensuring that employment law has stayed with the Conservative UK Government. In fact, Labour said during the Smith commission process that it was “crucial” that that happen. Had the Labour Party, rather than complaining, wished us to have the means to deal with those issues, it could have ensured that we did. In fact, one begins to wonder whether the intention behind Labour members' position was to keep the power there so that they could continue to have a go at the Scottish

Government, even though the UK Government has the powers over the matter.

I know that there are Labour Party MSPs who are not here today who regret that decision. I certainly regret it; I would like to have control over employment law, which would allow us to deal more robustly with the issues. Perhaps, in the future, the Labour Party will do what Richard Leonard failed to do at First Minister's question time, and support devolution of employment law to Scotland.

Gillian Martin (Aberdeenshire East) (SNP): What impacts will today's announcement have on the Balmedie to Tippetty dualling project in my constituency? I note that, in his statement, the cabinet secretary referred to the fact that some sections of road are to be opened as they are ready. Has he been given any indication by ARL of the progress of stretches of the project? Has the company given any indication of which stretches it anticipates opening earlier? How will it communicate that to road users in the area and their MSPs?

Keith Brown: I know that Gillian Martin has followed the project closely. She will be aware that the Craibstone and Dyce junctions, for example, were opened to traffic ahead of schedule in August 2016. I have told the Rural Economy and Connectivity Committee that we will advise members as other parts are opened.

We have tried to respond to every inquiry that has been made. A number of members who are present have made inquiries—Peter Chapman, for example, has made a number of inquiries. I have tried to respond to those as quickly and fully as possible. I understand Gillian Martin's point that local members want the latest information, so I undertake to ensure that that happens. Transport Scotland officials are in the chamber, too.

We have been working closely with the contractor to ensure that impacts on the Balmedie to Tippetty dualling project are mitigated as best they can be. We are also establishing whether further mitigation measures can be put in place to ensure not only that the project is delivered as soon as possible, but that we can open other sections of new road as soon as they can be opened.

Jamie Greene (West Scotland) (Con): We made a freedom of information request for email correspondence and minutes of meetings on the completion date between the cabinet secretary and Scott Shaw, the AWPR project manager, over the past 12 months. The response from Transport Scotland states that that information is not available because there were no meetings in which minutes were taken in the past 12 months,

and not a single email was exchanged on the matter.

The cabinet secretary just said that he was surprised to learn about the delayed completion date from Balfour Beatty. I am surprised that he is surprised. Does he not speak to Balfour Beatty regularly? What are the communication lines like between him, ARL, Balfour Beatty and the project manager? Are they positive, forthcoming and regular and do they reflect a well-managed project? I do not think that that is the case.

Keith Brown: Perhaps the same questions could be asked about the two projects in England that have been completely stopped by the collapse of Carillion—but the Conservatives would not ask that question.

The discussions are led by Transport Scotland directly with the contractor for good reason. I have had meetings with the contractor and I have had individual meetings and discussions with the companies that are involved. Jamie Greene mentioned the letter from Balfour Beatty; we have had meetings with Balfour Beatty recently. Perhaps the FOI request that he made did not capture those because they are so recent.

On the idea that the completion date caught people by surprise, if Jamie Greene looks at the proceedings of the two committees in the House of Commons that have been looking into the issue since the collapse of Carillion, he will see that there was as recently—I think—as three weeks ago confirmation from the contractor, ARL, that it expected the project to be completed on time. That is why I was surprised to see a subsequent public statement that brought that into question. Because we had had discussions with the contractor, I was not surprised about the nature of the challenge that was enclosing the project, but I was surprised to see that confirmation quickly followed by the statement from Balfour Beatty.

We have had good discussions with ARL, but as Jamie Greene would expect, discussions are, in the main, between Transport Scotland professionals and the companies that are involved in the project.

Lewis Macdonald (North East Scotland) (Lab): Balfour Beatty told the cabinet secretary that a completion date in late spring would not work. He has now told Balfour Beatty that a completion date in late summer is too aggressive and will not work, and that we should expect completion by late autumn this year. Does Mr Brown recognise that the issue is not just delay after delay from season to season, but the sense that nobody is in charge and that there appears to be no communication between the Government and the contractor, except under the pressure of events? Why are Balfour Beatty and the

Government not having conversations and comparing notes on an on-going basis?

Will Mr Brown commit to coming once again to the north-east—he has been there a number of times as the project has been delayed and delayed—and giving absolute certainty to people in the north-east about when the road will be finished? We have heard about delay after delay up to now, but it is absolute certainty that people most need.

Keith Brown: I do not think that I have ever mentioned a completion date of spring next year in any statement that I have made. Lewis Macdonald is right to say, as I did in my statement, that the contractor believes that the date might be in the summer this year: I think that the contractor mentioned August or September. I am trying to be as straightforward as I can be by saying that there has been independent analysis by Transport Scotland, which thinks that there are challenges to meeting that completion date. It is possible, however, and we will do all that we can to ensure that the date is met.

There are challenges in terms of how aggressive the programme is. We are also concerned with ensuring the safety of everyone involved and that there is no undue pressure on people who are working on the project.

There is also not a great deal of time for contingency planning in that period. It is for that reason that the prudent approach is for us to say that, to get that contingency planning into the programme, late autumn would be a better time for the road to be open to the public. That is our aim. If we can meet an earlier completion date, we will certainly do so. Failing that, we expect the date to be in late autumn.

As we get closer to the end of the project, it will of course be possible for us to be more certain. As soon as we can be as certain as possible about the completion date, I will be happy to go to the north-east to give that date to local stakeholders. We will very shortly provide information on the preparations for the opening of the road, because people expect to be able to factor that in. As soon as we know the date on which the road will open, and the arrangements, we will ensure that all local stakeholders are aware of those facts, too.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): In the nearly 60 years that elapsed between 1948—to which the cabinet secretary referred—and the SNP's coming into Government in 2007, Labour and the Tories were in government for roughly half the time each, and, indeed, the Liberals were part of the Government in Scotland until 2007. At any point in those nearly 60 years, were any road orders brought forward by

those parties or other material preparations made to deliver an Aberdeen western peripheral route?

Keith Brown: As his question implies, Stewart Stevenson knows about the absolute lack of progress that was made by the other parties during all the decades in which they had the opportunity to take the project forward. Not a single inch of tarmac was laid during any of those three parties' time in government.

Mr Stevenson could have made the same point about the dualling of the A9 or about the fact that we did not have a motorway between Edinburgh and Glasgow until very recently. It is this Government that has taken on those big, complex projects and is delivering for the people of Scotland.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for early sight of his statement, which is called "Update on major infrastructure projects". I thank him for his very brief update on travel between the central belt and the Highlands.

I draw the cabinet secretary's attention to Transport Scotland's website, which states:

"Detailed information on the necessary works are anticipated in 2017."

I will set aside the grammar. We had that same message in 2016—but that was not about the A9. It was about what is missing from the cabinet secretary's update: the Highland main line upgrade, which has undoubtedly lost momentum.

The Scottish Government is committed to low-carbon infrastructure. I am not sure that it fully appreciates how crowded the single-track line is, that knock-on delays seriously inconvenience many passengers and that they happen almost every day. We will move to a situation in which there are four lanes of road and one of rail, which is considerably fewer than there were in Victorian times.

We have wasted almost five years of control period 5—there are only about 12 months left. When will we get an update on the Highland main line?

Keith Brown: I do not agree that time has been wasted. If the member looks at the investment in the railways in the period he mentions, he will see that we have been investing at a huge level, with new railway stations being opened and the laying of the longest piece of new railway track in the UK in 100 years.

John Finnie: Not in the Highlands.

Keith Brown: The member is right to make that point, although work is being done on the route between Aberdeen and Inverness. It is important to say that we are trying to address quite a

number of issues in the rail network in relation to which there has been a lack of investment over the best part of a century. We are doing as much as we can as quickly as we can possibly do it.

Of course, the same is true in terms of our roads. I do not see one issue as being isolated from the other. We have to improve both. As I said in a previous answer, buses and bicycles travel on roads as well. The road network is important, and the two issues cannot be viewed in isolation from each other.

The route that the member refers to is the responsibility of my colleague Humza Yousaf, and I will be happy to get him to respond to Mr Finnie with an update on progress on that.

We have a proud record of investment in road and rail in Scotland.

Mike Rumbles (North East Scotland) (LD): It is strange that, in a statement that was designed to give clarity in relation to the opening of the repeatedly delayed AWPR, the cabinet secretary seems to have added much confusion. Is the AWPR opening in August, which he said in his statement it was going to do, according to the contractor; is it opening at the end of summer, which is what Transport Scotland says; or is it opening in late autumn, which is what the cabinet secretary's advisers say?

Keith Brown: All that I can do is repeat what I have just said: we expect the road to be open by late autumn. I have explained the reasons why the contractor thinks that it can be opened by the summer—it is possible that that could happen—and I have explained why, because of the weather, it could not happen in spring this year. Mike Rumbles will know better than I do about the impact of, for example, storm Frank and recent weather, and also about the impact on the supply chain of events relating to Carillion. Those are the reasons why the opening date has shifted from spring. Contractors say that it is possible to open the road in summer. I think that it is prudent to talk about late autumn but, if it can be opened before then, we will certainly try to achieve that.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): I appreciate the cabinet secretary's update on the A9 duelling programme, which is good news for many Highland residents who have waited decades for a decent road. There are, of course, two arteries to the Highlands, the other being the A82. Do Government commitments to improving both roads prove how important it is for the Government to continue to invest in the A82 and the A9?

Keith Brown: They not only prove that point but demonstrate the lack of investment that there had been over far too long a period by previous Governments. This Government wants to see

improvements to the road infrastructure in the Highlands to help support Scotland's economy and to better connect our cities and communities. That is why we are committed to pressing ahead with a major programme of works to dual the A9 between Perth and Inverness by 2025, the A96 between Inverness and Aberdeen and other roads that the member will be familiar with, including the Tarbet to Inverarnan road and the A82, which involves some work that we have already done, such as that on the Crianlarich bypass.

It is important that, as with the Borders railway, all parts of Scotland get the benefit of the investment that they had been starved of for too long under previous Governments.

Peter Chapman (North East Scotland) (Con): The AWPR has been a catalogue of errors for a long time now, and that is no more evident than in relation to the northernmost link of the road, which is the Balmedie to Tippetty section. I can tell the cabinet secretary that, regardless of what he said to Dean Lockhart, there absolutely was a promise that that section would open in spring 2017. However, it is still not open, which means that it is now a year overdue. Is the cabinet secretary seriously saying that even that section will not be open until late summer or early autumn, and will he apologise to the residents of the north-east who have had to put up with severe disruption to their lives for much longer than expected?

Keith Brown: We have always said and readily acknowledge that any major infrastructure project of this type causes disruption, and we have tried to minimise that wherever possible.

Like Jackie Baillie, the member might not have been around in 1948, but that is when his predecessors in the Conservative Party and Jackie Baillie's predecessors in the Labour Party started talking about this work, and I am sure that people can remember the Liberal Democrats talking about it in 1983. The member will also be aware of the legal history of the project and some of the delays that were caused in that regard. As soon as we were able to get through that legal process, we moved forward with the project, starting in 2014.

I know that the project has taken longer than we expected—I readily concede that point—and I regret that there has been disruption associated with it, although such disruption is common to most projects. However, we will crack on and try to get this road finished, and I am certain that it will happen far faster than was committed to by any previous party.

The Presiding Officer: I am conscious that we are just out of time, but I will squeeze in the last two questions. The members should just ask a question, and the answers should be short.

James Kelly (Glasgow) (Lab): Will the cabinet secretary correct the cost estimate of £745 million? It is clear that that is incorrect, given the extended timescales and the legal challenges involved. Substantial costs are involved.

Keith Brown: No, I will not. The £745 million budget is still expected to be the cost. As James Kelly has pointed out, things can change, but I would be happy to provide him with any details of the cost. There is no change to that budget as a result of the change that I have announced to the time taken to complete the project. The contractor is responsible for taking on the costs of the delay. That is the way that the contract is written.

The Presiding Officer: My apologies: I skipped past Gail Ross. I call Gail Ross.

Gail Ross (Caithness, Sutherland and Ross) (SNP): What progress has been made on the procurement of the contract to deliver the A9 trunk road improvements at Berriedale braes? Will Transport Scotland review the availability of parking places on the A9 between Inverness and Caithness that are used by road freight and tourism traffic?

Keith Brown: I am happy to do that. I apologise to Gail Ross for not having done so before, although I undertook to do so last week, I think.

The Berriedale braes project is another long-standing project that was not taken forward by previous Governments. Transport Scotland commenced dialogue on 26 February 2018 with four bidders, one of which has withdrawn its bid in the past week. The contract is expected to be awarded in late summer, with work commencing soon after that.

Transport Scotland is, of course, a member of the north coast 500 working group, which identified a need to review parking opportunities along the route that Gail Ross asked about. Transport Scotland has commissioned a review of the A9 between Inverness and Caithness to identify whether there are opportunities for increased parking facilities for all road users, including tourists and those with commercial vehicles. That could have the potential to provide locations for slower-moving vehicles to pull in and allow others to pass.

Richard Lochhead (Moray) (SNP): I welcome Transport Scotland's approachability in the consultation process for the Hardmuir to Fochabers section of the A96. Will the cabinet secretary give some thought to how the co-creative process could be used to ensure that the community has an even bigger role in shaping the road?

Keith Brown: The co-creative process, which Richard Lochhead referred to, is, of course, being

used in relation to the A9 for the first time in any major project. It has been a great way to ensure that we have the maximum possible community engagement, especially on issues that can be quite difficult in view of the options that the people who are developing the project have. I think that I said in a previous answer to Gillian Martin that we have made the offer that that process could be available to other groups, as well. We are, of course, happy to follow that through in relation to the A96 project.

Fair Work

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-11160, in the name of Jamie Hepburn, on building greater fairness in the workplace.

15:02

The Minister for Employability and Training (Jamie Hepburn): I am very pleased to have brought to the chamber this debate on fair work, as it will help to underline the importance that the Government places on building greater fairness in the workplace and across society. It provides an opportunity to highlight the key role that fair work can play in our economy as a new way of creating value.

Scotland's economy remains resilient and our labour market remains strong, with high employment and low unemployment. However, we know that, for too many, the experience of work is not always positive. Unfair work does not just negatively impact on the individuals affected; it impacts negatively on our productivity and our ability to deliver sustainable economic growth at the national level.

In Scotland, we have prioritised inclusive growth as a pillar of our economic strategy. We will have an even more productive and competitive economy if we have a fairer society that is underpinned by a more inclusive labour market.

Dean Lockhart (Mid Scotland and Fife) (Con): The minister mentioned inclusive growth, which is a central plank of the Government's economic strategy. Does he have a definition of inclusive growth that he could share with members?

Jamie Hepburn: It is clear that the first element of growth is ensuring that the economy grows. Thereafter, it is about ensuring, when it comes to how that growth is shared among the wider population, that, for example, more people are paid the real living wage and not the Tory con trick living wage. That is one obvious measurement. It is about ensuring that we have greater diversity of participation in our labour market. That is what I mean by inclusive economic growth.

Our labour market strategy sets out actions to ensure that every person, regardless of their background, has the opportunity to access quality education, training and support into employment. However, the issue does not finish there. For some, having a job does not provide a route out of poverty. Low pay and precarious employment with fewer rights and less security result in workers being unable to plan for the future with confidence, even on basic necessities such as meeting

housing costs, paying their bills or clothing their children.

Elaine Smith (Central Scotland) (Lab): Will the minister therefore look at the Scottish Government's definition of "positive destinations" for young people and ensure that it does not include things such as zero-hours contracts?

Jamie Hepburn: Ms Smith will of course be able to speak to her colleague Johann Lamont, who made that point to me last week at the Education and Skills Committee. I have committed to looking at that matter. Johann Lamont asked the question in a very reasonable fashion, and she conceded that it might not be possible to do that. However, we are considering whether it is possible to change how we measure outcomes. We are looking at that matter now and I am happy to report back to the chamber on that work.

We established the fair work convention, and we share its vision that, by 2025, people in Scotland will have a world-leading working life. I believe that that aim must surely unite us all in the Parliament. In many ways, Scotland is ahead of the curve on fair work. A key indicator of any employer's fair work commitment is payment of the real living wage. We were the first Government in the United Kingdom to become an accredited living wage employer. Scotland is the best performing of all four UK countries on the proportion of the workforce that is paid at least the living wage and the number of accredited living wage employers as a proportion of the UK number.

Fair work practices help to deliver real and sustainable business success. The evidence shows that adopting fair work practices is good for business and that it increases competitiveness, enhances reputation with customers, reduces absenteeism, improves retention and fosters productivity.

Patrick Harvie (Glasgow) (Green): Will the minister give way?

Jamie Hepburn: I will just test how much time I have.

The Presiding Officer: You do not have a lot of time, because we started late and you had only 10 minutes.

Jamie Hepburn: Then I am afraid that I will not give way. I apologise to Mr Harvie.

The Scottish business pledge celebrates companies that commit to fair work values and that recognise the benefits of doing so. The number of businesses that have adopted the pledge is growing steadily. I am pleased to be able to tell the chamber that 450 businesses have now done so, with M-Squared Lasers, a laser technology company based in Glasgow, being the 450th signatory. I believe that there is cross-party

support for the elements of the business pledge and a shared ambition in the Parliament to significantly increase the number of businesses that actively champion fair work and inclusive growth.

I also believe that we can do more with the business pledge. Therefore, today, I am announcing a short review of the business pledge that will be focused on securing greater business buy-in and impact. Over the summer, we will work with the current pledge companies, the main business organisations, our business support partners and the wider business community to explore barriers to making a commitment to the business pledge and ways that the pledge might evolve. We want to boost buy-in and impacts, but let me be clear that fair work is at the heart of the business pledge, and that will not change.

If fair work is to mean anything, it must mean everyone in society having equality of opportunity when it comes to earning a living and pursuing their preferred career. However, for many people, achieving that ambition remains elusive. We are taking significant steps to address workforce inequalities. In February, we launched the workplace equality fund, which is worth £500,000, to deliver innovative employer-led solutions to overcome workforce inequality. Last year, the Minister for Social Security launched "A Fairer Scotland for Disabled People—Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities". Disabled people make up around 20 per cent of the working-age population but are half as likely to be in work as those who do not have a disability. We have therefore committed to reducing the disability employment gap by at least half.

The plan's implementation is under way, and achievements have already been made, including the creation of a new independent living fund scheme for young disabled people aged between 16 and 21; the launch of a second phase of the national health service disabled graduate intern programme; and enhancement of the modern apprenticeship training contribution rates for disabled people and those with experience of care up to the age of 29. However, we know that we must do more if we are to halve the disability employment gap. In April, the First Minister will set out further steps towards our target at a major congress on disability, employment and the workplace.

We cannot allow completely outdated and false perceptions and practices on race to continue to impact negatively on the opportunities of Scotland's minority ethnic population. The race equality action plan, which was published in December, details key actions to drive positive change, including working with key stakeholders to

agree baselines, measures and targets for ethnic minority communities who face disadvantage in the labour market.

Just as we have shown our determination to tackle racism, we are equally determined to reduce gender inequality and improve the position of women in the workplace. Although our full-time gender pay gap remains below that of the UK, we cannot afford anything other than an acceleration of progress in how we approach gender in the workplace.

We are working with the Equality and Human Rights Commission to tackle workplace pregnancy and maternity discrimination, and we have established the pregnancy and maternity discrimination working group. Among its tasks has been to strengthen the availability of guidance to pregnant women, new mothers and employers about rights and responsibilities within the workplace.

We are investing in the returners programme, which is assisting women to re-enter the workforce following a career break and is addressing the underrepresentation of women in the STEM—science, technology, engineering and mathematics—finance and manufacturing sectors, and we are working with Close the Gap and others to consider how we can further tackle the gender pay gap.

Significant progress is being made on a number of fronts, but there are still challenges ahead of us, including the use of exploitative zero-hours contracts and precarious work; the fact that nearly a fifth of workers in Scotland are still paid less than the real living wage; and the fact that we have a UK Government that pays lip service to the protection of workers' rights and which attacks trade unions.

We believe that every worker should have the right to an effective voice in the workplace and to union representation. We see trade unions as social partners and a huge asset for our country. That is why we oppose the UK Government's Trade Union Act 2016.

Jackie Baillie (Dumbarton) (Lab): Will the minister take an intervention?

Jamie Hepburn: I am afraid that I will not, given the time constraints. I am sure that we will hear the point that Ms Baillie was about to make in a few moments' time.

In 2016, we introduced the trade union fair work and modernisation fund to promote better working practices and offset the burden of the trade union act. I am delighted to announce that, in 2018-19, we will provide third-year funding of £250,000 to support the trade unions' work to extend the concept and understanding of fair work in sectors

where precarious work is prevalent. We will also provide £100,000 to the Scottish Trades Union Congress's fair work: leadership and equality programme to develop leadership capacity within trade unions by delivering training to those from underrepresented groups.

We must build on the significant progress that we are making to deliver greater fairness in the workplace. Before the end of the year, the Cabinet Secretary for Economy, Jobs and Fair Work will develop and publish a fair work action plan, which will set out how the Scottish Government will utilise all of its strategic levers to promote and embed fairer working practices and thereby realise greater inclusive growth.

Delivering a fair work nation is not just a challenge to Government. It is a challenge to businesses, to trade unions, to the public sector, to employers, to workers and to us as politicians to work together to lead the cultural change that is necessary to achieve our progressive vision. As part of the development of the Scottish Government action plan, we will look at public funding and how it can better support businesses that demonstrate fair work practices.

I am clear that the Scottish Government must show leadership, but I am also clear that each of us who has been elected to Parliament must play his or her role, too. We will host a fair work summit with a view to ensuring that we draw in the widest range of expertise. That invitation will be extended to every party that is represented in the chamber so that we can develop the collaborative delivery of the fair work vision.

We may not agree on every step that we must take, but let us agree to take this journey together. On that note, I commend the motion in my name to Parliament.

I move,

That the Parliament shares the vision of the Fair Work Convention that, by 2025, people in Scotland will have a world leading working life in which fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society; considers fair work as central to achieving inclusive growth; commends all employers that recognise the value of their workforce by giving them fair access to opportunity, respect, security, fulfilment and an effective voice; recognises the vital role of trade unions to Scotland's economy, society and workforce; condemns those who seek to exploit workers, and recognises the importance of the EU social pillar in ensuring that workers can have ongoing protections and rights in statute.

15:13

Dean Lockhart (Mid Scotland and Fife) (Con): This debate gives us a good opportunity to recognise the importance of fair work in society.

"Good Work: The Taylor Review of Modern Working Practices" and the fair work convention

have both emphasised the increasing importance of fair work for individuals, for businesses and for society as a whole. They have also emphasised that quality of work is sometimes more important than the quantity of work, although it was nonetheless encouraging that the figures that were released yesterday show that employment levels across the UK are at the highest levels for 40 years.

As the minister indicated, there is broad consensus across the chamber on the importance of fair work, as the motion and the amendments demonstrate, but there is probably less consensus on how we deliver fair work. Our view is that although the promotion of greater fairness in the workplace needs to be underpinned by legislation that protects workers' rights, more than that is required. As the Taylor review states:

"For most people the benefits of work go well beyond the minimum established in law. National policy cannot mandate best practice."

We agree with that.

I will deal first with the role of legislation and then the role of best practice in promoting fair work. In terms of legislation, the UK Government has introduced some of the most significant improvements in workers' rights in decades and, in doing so, has greatly increased fairness in the workplace.

Clare Haughey (Rutherglen) (SNP): Will the member explain how the Trade Union Act 2016 has enhanced workers' rights?

Dean Lockhart: The Trade Union Act 2016 was designed to make relationships in the workplace reflect the modern workplace and its new dynamics. The single most important dynamic is that we are close to full employment. Having economic growth and high wages across the economy is the way to deal with some of the issues that trade unions are concerned about.

Jamie Hepburn: Will the member take an intervention on that point?

Dean Lockhart: I would like to make a bit of progress, but I will invite the minister to intervene later.

Two years ago, the UK Government introduced the national living wage, thereby giving a pay rise and a fairer wage to millions of workers—full-time workers on that wage now earn more than £1,000 more per year. Just yesterday, the UK Government announced a 6.5 per cent pay increase for more than 1 million national health service workers in other parts of the UK. I look forward to the minister explaining whether the Scottish Government will match that pay increase.

Since 2010, more than 4 million of the lowest-paid workers across the UK have received a higher and fairer share of their take-home pay by being lifted out of tax altogether and having the right to keep more of their hard-earned wages. Fairness in the workplace has also been increased by the introduction of new rights for workers in a number of different areas, including increased annual leave, shared parental leave and maternity pay, with rights in those areas in the UK going far beyond the EU equivalents. As our amendment highlights, it is clear from the strong track record of the UK Government in advancing workers' rights that leaving the EU will not diminish those protections.

The United Kingdom Government has also extended the most important and fundamental of all employment rights, which is the right to work, with the creation of more than 3 million new jobs across the UK in the past eight years. On that note, I will give way to the minister.

Jamie Hepburn: I want to go back to the rationale that Mr Lockhart was struggling to provide for the Trade Union Act 2016. By working with trade unions as partners in Scotland, we achieved a 71 per cent reduction in the number of industrial disputes between 2007 and 2016. Does he not consider that working with trade unions in that way is more positive practice than passing punitive legislation that does not allow them to organise in the workplace?

Dean Lockhart: I do not agree with the minister's description of the legislation; I do not think that it is punitive at all. Trade unions and their individual members play a critical role in Scotland's economy, and a number of the trade unions' concerns have been dealt with by the Taylor review. The United Kingdom Government is taking forward 52 of the 53 recommendations of the Taylor review, and a number of the concerns that the minister has raised will be dealt with at that point.

To build on its success and further advance fairness in the workplace, the UK Government has announced a good work programme and, as I have just mentioned, has committed to act on all but one of the recommendations of the Taylor review. The good work plan will position the UK at the forefront internationally in addressing the challenges and opportunities of modern working practice.

In addition to legislative and regulatory protections, to build greater fairness in the workplace, the Taylor report highlights the importance of best practice. The Economy, Jobs and Fair Work Committee's gender pay gap report highlighted that when it looked at the importance of returner programmes. It found that some companies have been able to retain a high

percentage—on occasion, above 95 per cent—of senior female workers after a career break. That shows the positive impact of best practice.

However, we need more. Building greater fairness in the workplace needs more than just legislation and best practice, and that is recognised by the Scottish Government's labour strategy, which acknowledges that if Scotland is

“to be a more successful and fairer country, with opportunities for all to flourish”,

we need a strong economy and a skilled population that is capable of meeting the needs of employers, and we need growing and competitive businesses.

We agree with all that, but the unfortunate reality is that the Scottish Government is delivering none of it. It is not good enough for the Scottish Government just to set out ambitions and to talk a good game on building greater fairness in the workplace; if the Scottish Government is serious about delivering fairness, it needs to start addressing some of the hard economic realities. We have a stagnant economy; an increasing skills gap; declining education standards; inadequate training, with 160,000 college places having been cut and not replaced; and an increasing failure rate for small businesses. In addition, workers in Scotland have the lowest wage growth in the UK and the lowest disposable incomes, but they are paying the highest levels of income tax in the UK.

Jamie Hepburn: Will the member give way?

Dean Lockhart: I am just about to wrap up.

The Deputy Presiding Officer (Christine Grahame): The member is just closing.

Dean Lockhart: Those are the hard issues that the Scottish Government needs to address if it really wants to deliver fairness to the hard-working people of Scotland.

I move amendment S5M-11160.1, to leave out from “to Scotland's economy” to end and insert:

“, and their individual members, to Scotland's economy, society and workforce; condemns those who seek to exploit workers; welcomes the commitment given by the UK Government that all employment rights derived from EU law are to be incorporated in domestic law following the UK's departure from the EU; acknowledges that the vast majority of recommendations from the independent Taylor review of modern employment practices will be taken forward, and considers that these commitments will position the UK at the forefront internationally in addressing the challenges and opportunities of modern working.”

The Deputy Presiding Officer: I call Jackie Baillie to speak to and move amendment S5M-11160.3—six minutes, please, Ms Baillie.

15:20

Jackie Baillie (Dumbarton) (Lab): I welcome the opportunity to take part in this debate, and I support the Scottish Government's aspiration to deliver fairness in the workplace. It would be even better, of course, if it practised what it preached; it all sounds good but, in this case, the Scottish National Party rhetoric does not match the reality.

Labour raised the issue of fair employment practice in public sector projects with the Scottish Government just last week. It would be useful to know what the Scottish Government has done since then to tackle the issue. Members will recall that I described the situation where workers on former Carillion contracts at the Edinburgh Waverley extension project and the Shotts-Cleland electrification project were on bogus self-employment contracts. They had to pay both employer's and employee's national insurance, were charged £100 by umbrella companies to receive their wages and had no certainty over their employment from one week to the next. Those are projects that are funded by the Scottish Government and which involved decisions taken by Transport Scotland. It is the Government's money, and ministers can dissemble all they like, but we know the truth and that is why we need a procurement review.

Then there is the situation with the Aberdeen western peripheral route project—rehearsed a few minutes ago—with allegations of bullying and harassment, and the ignoring of agency worker regulations. What action has the Scottish Government taken about that? I know that it has spoken to Transport Scotland, so what action has been taken on those allegations? The Scottish Government cannot claim to be in favour of fairness in the workplace and then do little to deliver it.

The Scottish Government itself uses agency workers, in some cases for five years continuously, on poorer terms and conditions than civil servants, who are doing exactly the same jobs, are on. The majority of low-paid, temporary and agency staff are young people and women. What has the Scottish Government done to stop that exploitation?

Jamie Hepburn: Will the member take an intervention?

Jackie Baillie: In one second.

It is breathtaking hypocrisy for the SNP Government to pretend to champion fair work while engaging in some of the practices that it rightly condemns.

Jamie Hepburn: Ms Baillie will recognise that, under employment law set by the UK Government, agency workers can be paid less than employees

on permanent contracts. She will understand and recognise that we have committed to paying all those employed as agency workers the living wage.

Jackie Baillie *rose*—

The Deputy Presiding Officer: Just a wee minute, Ms Baillie. I have to call you to speak. You cannae just stand up. Please sit down

Jackie Baillie: Thank you, Presiding Officer.

The Deputy Presiding Officer: Have you finished Mr Hepburn?

Jamie Hepburn: That is it from me.

The Deputy Presiding Officer: Ms Baillie.

Jackie Baillie: Thank you so much, Presiding Officer. I am always very pleased to be guided by you.

It is the decision of the minister and his Government to employ agency staff. Those staff are temporary, but employing them for five years is not temporary employment; it is a means of avoiding paying them the same rate and putting them on the same terms and conditions as a Government civil servant. That is breathtaking hypocrisy. [*Interruption.*]

At the heart of the fair work convention is a recognition of the importance of employees having a voice—[*Interruption.*]

The Deputy Presiding Officer: Excuse me a minute, Ms Baillie. Minister, you cannae have a wee debate off camera, as it were, so just be quiet while the member is speaking, unless you are requesting another intervention.

You will get your time back, by the way, Ms Baillie.

Jackie Baillie: Thank you very much, Presiding Officer. The minister's sedentary sounded to me like just a lot of hot air.

At the heart of the fair work convention is a recognition of the importance of employees having a voice and of the value of trade unions. I certainly agree with that and so, I believe, does the First Minister. However, on the very day that the First Minister met the Scottish Trades Union Congress to discuss fair work, SNP councillors on West Dunbartonshire Council launched a direct attack on trade unions by cutting facility time. It is quite laughable for the Tories to talk about workers' rights after they introduced the Trade Union Act 2016, but it looks like the SNP in West Dunbartonshire Council is trying to out-Tory the Tories. They are making a joke of the minister's warm words on trade unions. I implore the minister, the First Minister or anyone in the Government to intervene, because surely that

disgraceful attack on trade unionists and that disrespect for workplace democracy should be stopped in its tracks.

Let me briefly mention the university lecturers' strike. I think we all agree that a pension should be a basic right. It is disgraceful to reduce pensions that people have contributed to all their working lives. It would be enormously helpful and welcome for the Scottish Government to try and bring some sense to that debate and to intervene on behalf of the staff.

Fair work is central to achieving inclusive growth. We know that insecure work has a negative impact. It puts stress on families and pressure on family finances, which flows through to the economy and holds back growth. The scale of the problem is significant: an estimated 274,000 Scots are in some form of insecure work, 160,000 are in low-paid self-employment, 43,000 are in temporary work, and around 71,000 are still on zero-hours contracts. The majority of those workers are women, so it is little wonder that the gender pay gap persists.

When it comes to employment for disabled people, the gap is widening. From 2010, when the Tories came to power, until now, the gap between disabled and non-disabled people in work has gone from 31 to 37 points. That demonstrates a failure to develop an inclusive economy, and I would urge the SNP to take steps to cut that gap.

The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown): Will the member give way?

Jackie Baillie: No, I have already taken an intervention, and I am running out of time.

The suggestions that Labour is making, such as the use of inclusive employment conditions, procurement rules and taxpayer-funded grants, would help to drive a different set of employment behaviours.

The Scottish business pledge, launched by Nicola Sturgeon in 2015, requires private sector firms to pay the living wage, avoid using exploitative zero-hours contracts and make progress on diversity and gender balance. Who could disagree with that? We certainly do not. However, the revelation that only 15 per cent of Government suppliers have signed the pledge is a disgrace, so I very much welcome the review that is being undertaken.

Presiding Officer, £11 billion of public sector money is spent each year on the procurement of goods and services. Surely we should be using that to deliver fair work, and not just in the private sector; we should be using it to drive change in the private sector, too.

I move amendment S5M-11160.3, to insert at end:

“; notes, however, the hypocrisy of the Scottish Government, which has failed to ensure fair pay and employment rights when awarding public money to private firms, as reported on several public projects across Scotland; further notes that the Scottish Government has added to the problem of insecure work through the long-term use of agency workers in its agencies; calls on the Scottish Government to end this exploitative practice, and further calls on ministers to urgently review public procurement in Scotland to end these abhorrent working practices.”

15:27

Patrick Harvie (Glasgow) (Green): I hope that this debate does not turn into one where Labour and SNP members howl at one another about how wrong the other side is. Other than the Conservative Party, I think that most of us in this Parliament are trying to get to the same place. Inevitably, whichever party is in government will be more cautious and will have civil servants and lawyers leaning over ministers' shoulders saying, “This is very difficult, minister. You can't go that far.” Opposition parties have a responsibility to push the Government beyond its comfort zone—to go further and faster, and be more ambitious. Other than the Conservative Party, we are all trying to move in that direction.

The Scottish Government is due, at a guess, six out of 10 for its efforts. It is a pass mark, but it certainly needs to go a lot further. I will vote for the Labour amendment, although it is regrettable that its language is a bit hyperbolic and it does not quite recognise the efforts that have been made. There have been efforts and there has been progress, but that progress is not enough and needs to go further.

The attitude that I have brought to this debate, not just in the current session but in the previous session, when I sat on the Economy, Energy and Tourism Committee, which undertook an inquiry into the whole fair work agenda, is to recognise that there is a two-pronged approach. We can pave the high road, making it easier for companies and businesses to do the right thing, and we can block the low road. Blocking the low road is harder to do within the existing constraints of devolved powers, and those who opposed the devolution of employment law should be asked to reflect on the misjudgment and the missed opportunity that that represents. We could be doing a lot more if we had a lot of those levers.

However, the fact that it is difficult or challenging is not a reason not to try. To its credit, on other issues the Scottish Government has been willing to risk a court case here or there for a good policy, such as alcohol minimum pricing. The Government needs to be willing to push at the

boundaries of what is legally possible in relation to fair work, too.

The last time that we debated the subject was in May 2017, when the Greens moved an amendment to a Government motion and asked the Parliament to agree that

“access to government support and funding”

should be

“dependent on clear ethical and environmentally-responsible business practices”.

That debate was under the heading of workers' rights.

We expect an implementation plan to ensure that business support that is taxpayer funded and controlled by the Scottish Government is contingent on fair work practices. Let us start blocking the low road. It is good to pave the high road and to give encouragement and perhaps a bit of extra resource where a business needs support to make good employment practices possible, viable and achievable. However, we need to start blocking the low road as well. We need to start saying no to applications for support from the Government that come from businesses that do not meet those standards.

I have here the initial inquiry form for the regional selective assistance grant. There is nothing in there about quality of employment, workers' rights, the living wage or zero-hours contracts or the other exploitative practices that we have heard about. One question says that

“Scottish Enterprise encourages and supports Applicants to develop an Invest in Youth policy”.

There is nothing to suggest that that means not getting away with paying younger workers less and exploiting those on the lower bands of the minimum wage. There is nothing to prohibit such sharp, exploitative practice.

That is just the initial inquiry form; I have the full application form here as well. It is a very long form that asks for a great deal of information about not just the work that would be funded by a grant if it were to be given but the whole business model and the organisation's structure. The only question that gets close to asking for the kind of information that we should be asking for is one that asks for the average basic salary for each job title. There is nothing to say that those who pay poverty wages—that is, the minimum wage—will be excluded. We should require businesses and organisations that want taxpayer-funded support to develop and expand their businesses to be participants in the business pledge and other Government initiatives in this area.

It is time to say that paving the high road is fine and fair enough, that it helps, but that it is not

enough. We need to start blocking the low road as well. When the minister closes the debate, I want to hear the Government give a clear commitment to implement the decision that the SNP's members voted for in endorsing the motion last year: having an implementation plan to make Government-funded support contingent on meeting the high standards that we should all expect in our economy.

The Deputy Presiding Officer: I call Willie Rennie to open the debate for the Liberal Democrats. You have six minutes, please.

15:33

Willie Rennie (North East Fife) (LD): The voluntary nature of the fair work agenda has its attractions, as it creates an encouraging environment for business. However, it works only if it raises the game and makes businesses change so as to perform better and live up to those standards. If they fall below those standards, how do we make that change so that they can buy into the fair work agenda? I am pleased that hundreds have signed up to the business pledge, but we do not really know what impact it is making on on-going change in such businesses. Can we assess that and the change that it is actually making?

In a debate about fair work, it would be remiss of me not to mention Amazon. It has not signed up to the business pledge; it would not be allowed to do so. I noticed that when Keith Brown, the Cabinet Secretary for Economy, Jobs and Fair Work, met Amazon a year ago after I raised concerns about working practices at its plant, a minute came out from the meeting that said that Amazon had explained that a decision could not be taken locally and that it would have to be the subject of a national agreement by its senior management. It agreed to look into that. I would like to hear from the minister, when he sums up, whether he ever heard back from Amazon and whether he thinks there is a pathway to the company signing up to the business pledge and the fair work convention. Amazon is a major employer—it is certainly a significant employer in Fife—and it would be good to know whether it will change its practices in line with the fair work agenda.

I praise Stewart McDonald, the member of Parliament for the Scottish National Party who introduced a private member's bill on the subject at Westminster: the Unpaid Trial Work Periods (Prohibition) Bill. I commend him for introducing that. I would like to know whether any companies that offer unpaid trial shifts have signed up to the business pledge, because such practice seems incompatible with the broader fair work agenda.

Tom Arthur (Renfrewshire South) (SNP):

Despite Stewart McDonald's bill having the support of some Conservative MPs, the UK Government allowed it to be talked out and subsequently to fall. Does Willie Rennie agree that that was utterly despicable?

Willie Rennie: I do. I have been subject to that practice at Westminster when my progressive private member's bill was talked out by errant back-bench Conservative MPs who did not believe in "superfluous" legislation, as they described it. It is wrong for that to happen, but unfortunately the practice is not uncommon at Westminster.

I suggest that it is wrong for any company that does not sign up to the business pledge and the real living wage to be a beneficiary of Government financial support. Amazon received millions of pounds in Government support, but it continues to pay many of its employees at a rate that is below the real living wage.

I have looked through the fair work framework, and much of it is eminently sensible. It says that fair work is work that offers

"effective voice, opportunity, security, fulfilment and respect".

However, what difference is the framework really making? We have set a target to achieve a world-leading working environment by 2025, but how will we know that we have achieved that golden vision? Are there smart and effective measurements that will enable us to know that we have achieved the ambition?

In the United Kingdom, there is an 18.4 percentage point gender pay gap. The position in Scotland is slightly better, at 16.1 percentage points, but that is not something with which we should be particularly satisfied. Thanks to the *Ferret* news site, we know that the gender pay gap in 28 Scottish public bodies is greater than the national average. We cannot be satisfied with that, either.

I was pleased by the work that Jo Swinson did when she was minister for equalities in Government. She introduced the requirement for companies that employ more than 250 people to report on their gender pay gap, and by 4 April something like 9,000 companies will be reporting on that basis. From the figures that have been published so far, we find that three quarters of businesses pay men more than women, on average. Some 77 per cent report that men's median pay is higher than that of their female colleagues. Only 9 per cent of businesses have closed the pay gap between the sexes and only 14 per cent pay women more than they pay men. The figures are unacceptable, and the transparency that will be achieved as a result of the new

requirement will assist us in closing the gender pay gap.

I thank Engender for its briefing for today's debate, in which it highlights some of the weaknesses in the fair work convention's framework. Engender says that the document only briefly mentions issues that are familiar to gender advocates, including work/life reconciliation and the impact of women's propensity to adopt caring roles, and it goes on to say that the 76-page framework does not engage with key, economy-wide gendered issues such as the undervaluation of work. I hope that, when the minister sums up, he will talk about those important issues and say how he will respond.

15:39

Clare Haughey (Rutherglen) (SNP): It is not an unreasonable aspiration to want work that is fair and to want such work to be available to everyone, no matter their background or their circumstances. Fair opportunities can break down labour market inequality, improve people's life chances, create opportunities for social mobility and help to create a more equitable, inclusive and cohesive society. Although the Scottish Government has placed fair work and inclusive growth at the heart of its economic strategy, true fairness in the workplace is yet to be realised.

Prior to becoming an MSP, I was a divisional convener for Unison, and it was my responsibility and, indeed, my pleasure to stand up against injustice and inequality in the workplace. I refer members to my entry in the register of members' interests, as I remain a member of that trade union.

Since my election, I have continued to champion workers' rights. However, it is incredibly frustrating that the bulk of the powers in that area are at the behest of a Tory Government—the party of employment tribunal fees, the pernicious Trade Union Act 2016 and Brexit. There are few areas on which Brexit has more potential to impact than that of workers' rights. Protections such as the outlawing of discrimination against part-time and fixed-term workers, the right to rest breaks and the right to paid holidays and leave for working parents all derive from European Union directives.

The fair work convention defines fair work through five different dimensions:

“effective voice, opportunity, security, fulfilment and respect”.

Each of those is essential not only for the employee but for society and the employer. Too often, however, opportunities and respect for minority and underrepresented groups are disregarded. On women, it remains an outrage that, in the UK, for every £1 that a man earns, a

woman takes home 81p. On our ethnic minority population, it is scandalous that last year's employment rate in Scotland was 74 per cent for white people but only 58 per cent for black, Asian and minority ethnic people. On our younger population, it is shameful that, by next month, workers aged 25 and over will be entitled to £7.83 an hour while under-18s will be entitled to £4.20 an hour and apprentices will be entitled to a pitiful £3.70 an hour. If we are serious about treating people fairly at work, we must ensure that they are paid fairly for that work, too.

Over the past few months, both in the Parliament and in the media, we have heard of outrageous practices being undertaken by unscrupulous employers. Indeed, as we debated in January, my Scottish National Party colleague Stewart McDonald MP sought to introduce to the United Kingdom Parliament a private members' bill to outlaw unpaid trial shifts. The UK Government had the opportunity last Friday to show fairness and allow the bill to proceed, but sadly it was talked out. If Stewart McDonald's bill had become law, it would have ensured that firms such as Mooboo were no longer legally permitted to ask trainees to work a full 40 hours for no pay and no guarantee of a job at the end of their trial period.

Other exploitative practices that have been evidenced recently occurred during the period of extreme weather earlier this month. Companies such as William Hill forced my constituents to travel to work despite the red weather warnings being in place or face losing a day's pay. It is absolutely disgraceful that employers can compel people to work at times when the weather is deemed to be a threat to life, putting profits before people.

I welcome the agreement between the Scottish Government and the Scottish Trades Union Congress. They have announced that they will develop a fair work charter that focuses on the treatment of workers who are affected by such emergencies. It will include recognition that workers need an effective voice through a union to develop appropriate, flexible and fair approaches, and it will highlight examples of employers and unions working flexibly and constructively.

It is clear from the Government's continual work with our union partners and the actions that it has taken that it is committed to ensuring that people are valued, rewarded and safe at their work, with equal opportunities to progress and succeed. Indeed, through the fair work convention and the fair work framework, the promotion of the Scottish living wage accreditation initiative and the creation of the Scottish business pledge, it is taking steps, where possible, to progress its fair work strategy. However, it is only by having full powers over business taxes, employment law, the minimum

wage, health and safety and welfare that we will be better placed to create good quality jobs, grow the economy and lift people out of poverty.

Labour's amendment speaks of the "hypocrisy of the Scottish Government".

The hypocrites here today are the Labour Party. If it truly considers that it is the party of the workers, it should back SNP calls for employment law to be devolved to this Parliament in order to make Scotland's fair work ambition a reality.

15:45

Gordon Lindhurst (Lothian) (Con): As the motion that we are debating today recognises, fair work should benefit all individuals and create, sustain and nurture successful businesses and a thriving economy and society. Fair work is not simply an end in itself, but is a means towards a happier and more prosperous country.

Recently, the Economy, Jobs and Fair Work Committee, of which I am the convener, looked at one aspect of fairness, which is the gender pay gap. One aspect of that issue is the need to create a fair working environment in which underlying and often hidden causes of imbalances are addressed, to ensure that those who enter the workplace and want to go as high as they can, according to their ability, commitment and determination, have the opportunity to do so.

A lack of flexibility in the workplace can often prevent people from fully utilising their skills or opting for jobs that might be thought to underutilise skills, but actually meet the need for flexibility. Indeed, in evidence to the Economy, Jobs and Fair Work Committee on Tuesday, Ewan MacDonald-Russell of the Scottish Retail Consortium said that within his sector, progression is too often prioritised over flexibility and that businesses are now trying to encourage people into more senior positions that allow them to balance other commitments. That is to be welcomed, particularly for women in that part of the business community.

Our committee also heard from witnesses that benefits such as flexible working carry the equivalent of 5 per cent of a salary: people can keep more of their hard-earned cash if they do not have to pay for childcare, for example. Again, that is to be welcomed. There is room in our digital, mechanised society to build flexibility into how we live our lives.

Shared paternity leave, which was introduced by the Conservative UK Government in 2015, adds in flexibility for parents to design childcare as they see fit. It allows for the possibility that fathers can play a greater role in raising their children, and means that mothers do not have to take long

career breaks that may not work for them or their families.

That added flexibility and the benefits that it can provide were also highlighted in evidence given to the committee by Megan Horsburgh from Sodexo, who said:

"We know that flexibility is good not only for working women, but for men. In that regard, it fits incredibly well with our overall approach to gender balance, which is that a number of such initiatives benefit the whole organisation".—[*Official Report, Economy, Jobs and Fair Work Committee*, 28 March 2017; c 4.]

Those are modern and pragmatic ways of working that can make work not just fairer, but actually work for families.

At the end of a career, people want to be able to look back and know that the hard work that they have put in during their lives has been rewarded. The auto-enrolment scheme was introduced by the Conservative UK Government to encourage saving for retirement, particularly by young people and women—two groups for which the trend of saving for the future had been declining. As a result, workplace pension participation for women in the private sector has risen to 73 per cent in 2016 from a low of 40 per cent in 2012—the rate has almost doubled.

That is another example where a UK Conservative Government has increased fairness at work and has incentivised participation in the labour market.

To go back to comments that were made about howling across the chamber, I might agree with Patrick Harvie on one point, which is that the Scottish Government needs to have detailed and firm commitments on specific things to show how it is going to progress the aims that we would all agree on. I have set out the particular measures taken by the UK Conservative Government that have helped to do that and I look forward to hearing from the minister about what the Scottish Government is doing.

There is much to be done, but in the UK, we can work towards trying to create fair and rewarding work for everyone.

15:49

Rona Mackay (Strathkelvin and Bearsden) (SNP): I believe that fairness in the workplace should be a right, not a benefit from or an advantage of working for a particular company or public body. Sadly, we know that that is not the case, even in 2018, thanks to the Tory Trade Union Act 2016, which drove a coach and horses through trade union rights and which Dean Lockhart seemed unable to defend. We are going backwards when it comes to basic employment rights.

Of course, that chipping away of union rights goes back to the Thatcher era, and it is just one of the horrible legacies that she left. Our society is now battling against the unfairness of zero-hours contracts, taking us back to Victorian times; unpaid work trials; instant dismissals; and the slashing of pension terms and conditions for public and private sector workers.

In January, I held a members' business debate on unpaid work trials to highlight the members' bill by my colleague Stewart McDonald MP that called for a ban on this exploitative practice. As we have heard, however, despite reassurances from Tory whips that filibustering would not happen, his bill was talked out by the Tories. That archaic practice is an outrage to democracy and symptomatic of a closed, defensive system that is not geared towards anything other than protecting the establishment.

Johann Lamont (Glasgow) (Lab): I absolutely agree with my colleague's comments about what happened to the bill, but does she agree that the Scottish Government should use the powers that it has to exclude organisations that exploit in these ways from accessing public money?

Rona Mackay: I was just about to say that I am looking forward to hearing about how we can use the powers that we already have to prevent such practices. Anything that we can do should most certainly be done.

What happened with my colleague's bill was disgraceful, and it tells us a lot about Tory values and attitudes towards fair working practices. It is another powerful example of why employment powers should be devolved to this Parliament—it will help to make Scotland a fairer, more equal society in which to live and work. Forcing young people to work unpaid amounts to £1.2 billion in missing wages—money that goes straight into employers' pockets. It is simply not acceptable, and I look forward to hearing about the powers that we have to crack down on it.

It is widely known that the hospitality industry is a terrible offender with regard to fairness in the workplace. Unite the union is working very hard to eradicate the exploitative way in which workers are treated by, for example, educating young people on how they can stand up for themselves and what rights they have in this often exploitative environment.

Workers' rights are under attack as never before. In my local authority area of East Dunbartonshire, the Tory and Liberal Democrat administration has slashed council workers' pension terms and conditions, imposing the worst kind of austerity. The irony is that such a move will make no savings. It is therefore entirely doctrinal—it is not about making the budget balance. I have

to say that I am baffled by the logic of actions such as cheating workers who have spent decades in public service of a fair pension—which is, of course, not a benefit, but a right.

Despite the Scottish Government's fair work initiatives, which the minister outlined, Brexit is casting an extremely dark shadow over employment rights. We know what happens when Tory Governments are left unfettered, and it never benefits ordinary working people.

Like Clare Haughey, I find it incredible that, in this day and age, equal pay for women is still an issue that we are fighting for and that historical pay claims have still not been settled. There is simply no justification for women who do the same job as men not being paid the same. I believe that time is up on this issue and women who are historically owed money must be paid now.

Of course, "Time's Up" and "Me Too" are powerful slogans of the bid to end the disgraceful sexual harassment that, as has come to light, is happening in workplaces pretty much everywhere. This incredible movement gives me hope that my granddaughters will not have to endure what generations of women before them had to.

For me, the stand-out word in the Government's motion is "respect". Until there is mutual respect between employers and their employees, the battle for a fair workplace has a long way to go. According to the Poverty Alliance, when people with experience of living on a low income were asked their views on employment, one of them said:

"A good job is something that you have a passion for ... It gives you more than money—it gives me qualifications and training, it builds ... confidence and self-esteem. That's the kind of jobs we need."

I believe that as a Parliament, despite our having limited or no power over workers' rights, we have to stand up for them whenever we can and reassure people that Scotland will be a fairer place to work, once we are free of Tory control.

15:54

Elaine Smith (Central Scotland) (Lab): The fair work convention has been welcomed by Labour, as it provides a framework for an approach to the labour market that respects the workforce and sets out high aspirations for the future. As such, we support the Government motion, but not without criticism.

Decent work, security of employment and investment in the workforce of the future are all prerequisites to tackling poverty and inequality. However, the effectiveness of the fair work framework needs constant scrutiny and, if progress is not being made, the Scottish

Government must be held to account. Scottish Labour believes that a values-led public procurement strategy, which ensures that contracts are awarded only to companies that have acceptable minimum standards, would help to eradicate many bad employment practices.

If we are to ensure that all members of a workforce have equal access to the fair work convention principles of opportunity, respect, security, fulfilment and an effective voice, we must acknowledge the diversity of the workforce. Respect in the workplace must include a complete rejection of sexual and racial harassment, and a culture that belittles or humiliates of the workers must be challenged. If we are to ensure an effective voice for workers, trade union membership should be encouraged and adequate facility time for trade union representatives should be provided. I welcome the Government's announcement in that regard, but the SNP council in West Dunbartonshire has just reduced trade union facility time, which is a decision that goes against the principle of the framework. We need some comment on that.

We must see evidence that all partners in the fair work convention are encouraging trade union membership, particular in sectors that have traditionally had low levels of representation, such as social care, childcare, catering and cleaning. That is important, because trade union recognition leads to improvements in pay, terms and conditions, health and safety, and workforce retention.

As the Scottish Government rolls out the expansion of the early years and childcare workforce, we all have an interest in ensuring that that sector complies fully with the fair work framework. A Unison Scotland report identifies growing pressures on early years workers—who are mainly female—as services are adjusted and expanded to meet the current childcare offer of 600 hours. The report also highlights the importance of maintaining high standards of care to meet the new targets. A stable, well-qualified, well-paid workforce, with good terms and conditions, is essential, but concerns are already being raised about the difficulties of staff retention in the private day nursery sector and the voluntary sector. Poorer terms and conditions in a sector with low trade union recognition will undoubtedly affect service delivery. As such, Unison and the STUC have argued for greater investment in local authority provision to allow for longer term planning and job security.

The fair work convention must look at sectors such as childcare in more detail. Trade union membership should be actively promoted, because it is a key component in ensuring that low-paid, often isolated women workers have an

effective voice and access to representation. I look forward to hearing the minister's assurances on that.

Prior to the debate, Oxfam Scotland circulated a helpful briefing for members, which pointed out that a decent job should be a universal right. I agree. I endorse Oxfam Scotland's call for more attention to be paid to the gender differences in the workplace, and its acknowledgement of multiple discrimination. The minister's commitment on gender is welcome, particularly since 24 per cent of working women in Scotland earn less than the living wage, compared to 15 per cent of working men. In other words, nearly a quarter of all women in employment in Scotland are on unacceptable poverty pay. We need to focus specifically on improving the quality of work for women.

Although the commitment from all partners in the fair work convention is bringing change to the workplace, the Scottish Government has a specific role to play in leading by example and enforcing the fair work commitments in all public contracts.

Keith Brown: Does Elaine Smith agree that if we had the ability to insist upon the payment of a proper living wage it would be an important tool in our armoury? Will she support that power coming to the Scottish Parliament?

Elaine Smith: I feel that we have extensive powers already. On that point, no more public money should be spent on contracts to employers who do not treat workers with respect, no more public money should be spent on contracts to employers who blatantly disregard the Scottish Government's guidance on the living wage, and no more public money should be spent on contracts to employers who do not recognise trade unions or who blacklist workers for trade union activity.

Presiding Officer, 1888 was an interesting year. Celtic Football Club played its first match, the Scottish Labour Party was founded and it was the year that the match girls were on strike. Bryant and May was far from a fair work employer to its mainly female workforce, including by docking their pay for going to the toilet. However, 130 years later, the Oxfam report tells us that women who work in call centres are questioned and humiliated for going to the toilet. Surely that is not the kind of 21st century Scotland that any of us wants. We need decent work as a protection from poverty. We need action on bad employers. We need an assurance from the Scottish Government that fair work is not just fine words.

16:00

Ruth Maguire (Cunninghame South) (SNP): Building greater fairness in the workplace is good for society and the economy. Ensuring that

everyone is treated with fairness, respect and support in the workplace is the right thing to do and allows individuals to fulfil their potential. Staff feeling valued, respected and fulfilled means lower staff turnover, fewer absences from work and higher overall productivity. That is good for society and the economy.

Building fairer workplaces also ties in with our efforts to tackle wider systematic inequalities. For example, flexible working practices contribute to tackling gender inequality. Unfortunately, the current lack of flexible working opportunities means that a significant number of well-qualified people become trapped in low-paid and part-time work because they need flexibility but cannot find a quality part-time or flexible job. That has a particular impact on women.

We can address some of the challenges that carers face by better supporting them to balance work with their caring responsibilities: The carer positive employer initiative, which is funded by the Scottish Government and has been developed with the support of private, public and voluntary sector organisations, is an excellent resource for that. It is proving hugely successful in raising awareness of what being carer positive means as well as the benefits of that for business. Those include avoiding recruitment costs, retaining experienced staff and reducing staff absences.

When it comes to building fairer workplaces, another important group is young people. It is crucial that, at the beginning of their working lives, young people who are ready and willing to work are treated with respect and encouraged, not left disillusioned and demotivated. That means paying them a fair wage for a fair day's work, including any trial or probationary periods.

I share colleagues' contempt at the disgraceful behaviour of the UK Tory Government in blocking the efforts of my SNP colleague Stewart McDonald to ban the exploitative practice of unpaid trial shifts. I am sure that all of us in the chamber—well, most of us, anyway—will continue to make the case for the ban, as well as arguing for young people's right to be paid the real living wage and to have a range of opportunities available to them, whether that is wider access to higher education or expanded provision of high-quality apprenticeship pathways.

Elaine Smith: Does Ruth Maguire agree that it is important, as the minister outlined, to examine the definition of positive destinations for young people?

Ruth Maguire: Absolutely. I agree with that.

Building fairer workplaces is clearly good for employees, their families and our communities. It is also good for employers and for business. Recruiting from a wider pool of talent and retaining

healthy, motivated staff who feel supported will make for more successful organisations.

I was pleased to read, in the 2017 progress report on the fairer Scotland action plan, that many of those points are being addressed. For that, the Scottish Government deserves to be commended. In October 2017, the target of 1,000 accredited living wage employers was met. The Scottish Government has also increased funding for the Scottish living wage accreditation initiative.

On flexible working, the Scottish Government continues to fund the family-friendly working Scotland partnership—an organisation with which I have worked closely in my constituency. This afternoon, it is in Glasgow, celebrating the Scottish top employers for working families awards. I congratulate all the winners of those awards and wish them a successful afternoon.

In September, a key commitment of the fairer Scotland action plan was delivered with the launch of the flexible jobs index Scotland. The index was based on research undertaken by Timewise, which analysed the flexible jobs market in Scotland for the first time and showed that the demand for flexible working outstrips the supply. That means that there is a significant opportunity to grow the flexible jobs market, which has benefits for employers and workers alike. I was pleased to lead a member's business debate on that topic back in September and to commit to continuing to raise awareness of the issue in the Parliament and at home in Irvine, Kilwinning and Stevenston.

16:04

Michelle Ballantyne (South Scotland) (Con): I refer members to my entry in the register of members' interests, as I am a business owner.

In the short time that I have today, I will highlight a debate that has been going on for many years. It is one in which I took an interest quite a long time ago and one that has a role to play in building greater fairness in the workplace. It is slightly technical, so I hope that members will bear with me.

The issue is human capital, which is the skills, knowledge and experience that are possessed by an individual or group and that are viewed in terms of their value. When coupled with effective human resource management, human capital is a vital tool for achieving fairness in the workplace and inclusive growth.

I speak from a position of relative experience. Having owned and run businesses for more than 30 years, I have seen at first hand the ways in which human capital and human capital accounting can create rewarding, equitable

opportunities for workers, employers and businesses.

Currently, the value of human capital is not recorded anywhere in the financial statements of an organisation, nor can it be created as an intangible asset. In fact, human capital is not owned by an organisation at all, but rather by its employees. That is why investments in human capital are charged as an expense in the period incurred—no quantifiable asset is created. That leads to the irony that investment in training and better conditions of employment can weaken a company's balance sheet, particularly in the short term.

By accounting for human capital, companies would potentially become much more transparent. By incorporating employees as assets, there is greater impetus for a company to invest in its staff by providing family-friendly policies, flexible working and opportunities for personal development. Factors such as staff retention and development would impact on a company's value, which would encourage employers to invest in their staff and build organisational loyalty at all levels.

We know that, in Scotland, small and medium-sized enterprises constitute more than 99.4 per cent of private businesses, provide 1.2 million jobs and account for 55 per cent of private sector employees. SMEs are the backbone of our economy. The vision of the fair work convention refers to a world-leading working life for all people in Scotland, including those who work for smaller employers. We must create a positive environment for employers that encourages and supports entrepreneurial spirit and rewards success. Those employers are often people who have taken the greatest amount of risk—they have invested their money, have created jobs and have often provided their homes as security for their businesses. By utilising human capital and effective HR practices in SMEs, employers can also feel the benefits by reaping the rewards of enhanced productivity, with engaged staff being more likely to remain with the company.

Keith Brown: Will the member take an intervention?

Michelle Ballantyne: I will, as long as it is quick. I do not want to run out of time.

The Deputy Presiding Officer: I will give you your time back.

Keith Brown: Michelle Ballantyne has mentioned productivity and staff retention, and I agree with her on those points. Does she recognise the link that many people have made between paying a proper living wage and staff retention and productivity? Does she agree that the two go hand in hand?

Michelle Ballantyne: Yes, I agree that there is a link. If people cannot earn enough to survive and pay their bills in the job that they are in, the impetus is on them to look for something else, so there is a link to retention.

In a recent study by *HR* magazine, Gill Crowther, the HR director at a British SME called Nominet, said:

"I would encourage SMEs to think about people earlier rather than later because, once it's gone wrong and you've got 150 disengaged people, it's hard to put right."

Daisy Group, which is a communications service provider that recently evolved from an SME into a major firm that employs 1,500 people, has seen the value of that approach at first hand. Steve Smith, the firm's finance director, notes:

"HR used to be an administrative function ... We used to have to recruit senior people externally because we didn't have them ready; now we want to grow them internally. Where we used to think about recruitment, now we think about retention."

That approach not only helps a company to grow but can increase job security for employers and employees alike. Although many SMEs are shy of such approaches, because they view them as bureaucratic, once they are implemented they can really help companies.

Alongside that, I would like an anonymous applications system to be introduced, in which a candidate's name, race and gender are not made available and, therefore, only the best-suited candidates are shortlisted. Employees would be selected on merit in a fair and transparent process. Deloitte recently recommended such an approach and noted that the Australian state of Victoria is leading the way in removing all personal details from job applications, thus ensuring that each person is assessed on their human capital.

Deloitte also suggests that organisations would benefit from expanding the definition of diversity beyond demographic and social identities to cover the full range of human capital. Research shows that one of the biggest sources of bias in companies is a lack of diversity of thought. I feel that, by taking a more objective approach, some of that bias can be addressed.

Human capital and its associated systems should be a major step towards preparing our economy and workplaces for what I see as the fourth industrial revolution. We need to assess how people can be best deployed and how they can be helped to grow as part of a system that values and recognises their contributions.

Whatever the future may hold, it is clear that our current methods for evaluating and valuing our workforces are unfit for purpose.

The Deputy Presiding Officer: You must stop. The intervention took only 15 seconds—I timed it precisely.

16:10

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I welcome the debate and commend the intention of our Scottish Government to bring our Parliament together on the fair work agenda. Indeed, I believe that the Government's motion is worded precisely to maximise support across political parties and to drive political consensus. I suspect that the STUC would support that, as well as all fair-minded employers.

The Labour amendment, however, appears deliberately designed specifically to divide and shatter any kind of consensus. It bears no relation to reality and is overtly tribal. However, I will not take that approach. As I did last week, in a similar debate, I will note two positive SNP initiatives.

In Glasgow, low-paid female care workers are to be brought back into council control from Cordia by an SNP administration at a cost of £2.5 million. That cost is a result of a decision by the SNP council to pay those female workers appropriately, unlike the previous Labour administration—that was appalling. Again in Glasgow, it has taken an SNP administration to address Labour's equal pay scandal. That situation saw women being discriminated against for many years.

For Labour to use the word "hypocrisy" in an amendment for the second time in a week shows absolutely no self-awareness. I can smell the hypocrisy from the Labour benches.

Johann Lamont: I am relieved that the member has chosen not to be tribal about these issues. What is his view of the decision of the SNP council in Glasgow to double childcare costs, and what impact does he think that that decision will have on families who are trying to organise their working lives?

Bob Doris: I had a look at the relatively small increase per hour in childcare costs in Glasgow, but I see that a motion is going to the SNP administration in Glasgow City Council to give additional free hours to the poorest families in relation to that rise. I note that we do not hear Labour talking about that.

Much has been made of the role of trade unions in this debate, and rightly so. The STUC sits at the heart of the fair work convention and the development of a fair work framework. In that regard, I note that the Scottish business pledge contains a commitment to implement the living wage and end abusive zero-hours contracts. I share the frustrations about the fact that more

businesses have not signed up to that—of course I do. We want more businesses to sign up to that. However, it is evidence of positive work by the Scottish Government.

Jackie Baillie: Will the member take an intervention?

Bob Doris: I apologise, but there are time constraints.

Unions—as positive, proactive and collegiate partners—are a vital part of our social fabric. However, they are under attack as a result of the UK Trade Union Act 2016, which aims to make it unfairly difficult for workers to withdraw their labour if they choose to. That is an attack on people's human rights. It also places unreasonable restrictions on the ability of union representatives to represent fellow employees.

Elaine Smith: Will the member take an intervention?

Bob Doris: I apologise, but I just do not have time.

The Scottish Government has no power to strike down the 2016 act, despite the fact that the Scottish Parliament refused to pass a legislative consent motion to sign up to it. As we do not have the real powers to address the matter in this place, we sought to—I am getting sick of this word—mitigate the impact of the act. The Scottish Government gave £2.2 million to trade unions to enable them to access lifelong training and learning opportunities to boost fairness and equality, and it invested £250 million in a trade union modification fund. That is real, active help to support trade unions.

Industrial action happens. The colleges dispute was not that long ago, and it took an SNP Government to foster the environment in which collective bargaining happened in Scotland's college sector. That is the reason why it happened. Unpromoted lecturers in Scotland who are at the top of their pay scale are now on around £40,000 a year because of the strength of trade unions in collective bargaining with their employers. That created political problems for the Scottish Government along the way, but we knew that it was the right thing to do.

The Government's track record is in building capacity and in respecting and valuing workers and their representatives. The college sector is a perfect example of that. The Scottish Government is doing everything within its powers to promote and foster the fair work agenda.

16:15

Johann Lamont (Glasgow) (Lab): Members may be aware that I have spoken in the

Parliament before about precarious work, its impact on all too many people across our communities and its disproportionate impact on young people. There is no guarantee of hours with such work; people are brought into work and then sent home without pay; tips are not distributed; shifts are changed at short notice; and there are no guarantees of training or access to rights.

We often hear the words “choice” and “flexibility”, but the reality is that the choice and the flexibility are almost invariably on the employer’s side and there is very little choice or flexibility on the employee’s side. We ought not to pretend that zero-hours contracts allow people to somehow have the flexibility in their working lives to allow them to do other things. That is very rare. Very often, people in those precarious situations have little or no choice but to accept whatever is given to them.

I heard what the minister said about the living wage—and I welcome it—but that is not sufficient in itself. It is important, but it is one part of a broader picture. We need to understand the lived reality of all too many of our fellow citizens, and we need to think about how we can give effect to the statements in the motion: that we commend the good and condemn the bad. Saying that is the easy bit; we need to think about how we can deliver it so that people in the real world understand that things are better for them.

I congratulate the better than zero campaign and Unite the union in particular on the work that they have done to address precarious work, especially in the hospitality field. It is often exceptionally difficult to recruit members who do such work. People are anxious about even admitting that they are a member of a trade union. The idea that they could bargain and debate their rights is a chimera away in the distance that is not their lived experience. It is important that we listen to those organisations as they expose unacceptable work practices that are faced by all too many—particularly our young people.

When the snow fell, our awareness of the lack of rights of all too many workers became evident. People lost wages and were under phenomenal pressure to get to work. That is what those pressures are like all the year round. Our commitment to tackle that injustice should not melt away with the snow.

It is clear that work must be done at every level of government. I was very supportive of Stewart McDonald’s Unpaid Trial Work Periods (Prohibition) Bill and was deeply disappointed that a Tory Government chose to talk it out without reflecting on what it said about the employment market. Young people can be brought into work without expecting even decent remuneration for that.

There is work to be done here, too. We will not agree on where employment law powers are best laid. My view—the trade union movement across the United Kingdom believes this—is that those powers should remain at the UK level. That is because I am concerned about the rights of workers across the United Kingdom. I do not think that people who disagree with me on that are hypocritical; they just take a different view on that particular issue.

I want to talk about positive destinations. I had not realised that I had been kind to the minister—that was uncharacteristic of me, and it rather took me aback. However, it is essential that we do not follow the UK Government’s approach with the simple equation that high levels of employment equals a strong economy. That cannot be so if the economy is built on precarious work, exploitation, uncertainty and stress.

Jamie Hepburn: Will the member give way?

Johann Lamont: I will give way in a moment.

I genuinely welcome what the minister said about the right to work of people with disabilities, including those with learning disabilities. I want to underline how central that issue should be in the work of the minister and his colleagues. Earlier today, I led a debate on Down’s syndrome awareness week in which I highlighted the focus of this year’s week, which is inclusion in employment. As I said in that debate, one parent has reflected:

“Nobody is aiming high for our kids.”

I wonder whether the minister has met Down’s Syndrome Scotland and, if not, whether he will consider meeting it and other organisations that work to ensure that people with Down’s syndrome and other disabilities have proper access to employment opportunities. I am sure that those organisations would welcome the opportunity to expand on the points that were made in that debate.

Those organisations have talked about the importance of having better data on positive destinations. Down’s Syndrome Scotland knows young people who have spent years at college without gaining employment. It is utterly unacceptable that the employment rate among people with learning disabilities is between 7 and 25 per cent. That is why the issue about positive destinations matters. Unless we are honest and ask searching questions about what is being defined as a positive destination, we will miss the truth about far too many young people who are stuck in certain places and who are not getting the opportunities that they deserve.

The Deputy Presiding Officer (Linda Fabiani): Come to a close, please.

Johann Lamont: In conclusion, I simply want to say—

The Deputy Presiding Officer: Very quickly.

Johann Lamont: —that the challenge for us all is to lift the words in the motion off the page and into the lives of people across Scotland.

16:21

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): Fair work is essential in any democratic society. If people are paid and treated fairly and if they feel valued, they are always more likely to recognise the importance of meaningful employment. They are also much more likely to actually enjoy doing their job. As the motion states, the fair work convention

“considers fair work as central to achieving inclusive growth”.

The motion asks us to share the convention’s vision that, by 2025,

“people in Scotland will have a world-leading working life in which fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society”.

Glenrothes has suffered disproportionately in recent years from the effects of a lack of prosperity. In 2014, Velux windows announced 180 job losses. The town’s famous landmark paper mill, Tullis Russell, which provided jobs for generations of men and women, closed its doors in 2015. In 2016, FTV Proclad International announced that 70 jobs were to go. This January, the kitchens manufacturer Murray and Murray went into liquidation, with the loss of 40 jobs. Just last month, Dunnes Stores, which occupies the largest unit in the Kingdom shopping centre, announced its decision to close.

On top of the recent job losses and precarious employment opportunities, the poverty statistics in the biggest town in my constituency show that nearly one in three children lives in poverty. In the 2016 Scottish index of multiple deprivation, the Auchmuty, Dovecot and town centre areas were classed as the third highest in Fife in terms of recorded crimes.

If people take a drive further north to the town where I went to school—St Andrews—they will see the two tales of Fife. The town is the home of golf and of the third-oldest university in the English-speaking world. It is the home of money, investment and, crucially, jobs. Twenty years ago in Glenrothes, we had a bustling town centre, with shops and employment opportunities, but today our town centre, which is owned by private individuals in the form of Mars Pensions Trustees, is all but empty. I do not believe that we will be able to realise the ambition in today’s motion for

Glenrothes until we get answers from those people.

Mars Pensions Trustees has six active officers listed on the Companies House website, but there is only one

“active person with significant control”,

which is actually another company that is called simply Food Manufacturers. The only active person with significant control in that company is another company, Effem Holdings Ltd, which Companies House asserts has no active persons with significant control. However, the one consistent individual who is associated with all three of those companies is Ian James Langer. Last year, following payment to all shareholders, Effem Holdings made a profit of nearly £2.3 million, and the appointment to it is just one of Mr Langer’s 103 appointments as listed on the Companies House website.

The debate is about creating the necessary conditions for fair work to prosper, but in Glenrothes we have an all-but-absent landlord and one who has been found wanting. That creates a feeling of worthlessness for businesses and staff, who feel that the town is locked in a downward cycle. However, the reverse is also true: if folk could see the fruits of their labour being invested in the fabric of the town rather than in the pockets of an elusive businessman, they might feel more motivated.

I therefore reiterate my invitation to the individuals who own the Kingdom shopping centre to come to the town that they own in our 70th anniversary year to play a part in helping to create the fairly paid jobs that we need to tackle inequality.

The fair work convention noted that:

“voice at task level, followed by participation in decision making, impact most on job satisfaction and psychological wellbeing.”

I have here proposals by Fife Council’s education service on an administrative and clerical review that it is carrying out. Secretaries are some of the poorest-paid and hardest-working people in our schools. The proposals, as they currently stand, will require staff either to jump down the pay scale or to study for a formal qualification and jump up it. They have either to take a pay cut or to jump right up the pay scale. There is no in between. They cannot stay still, and they will have to reapply for their jobs.

I find it difficult to believe that removing or reducing that support in schools will help in any way to close the attainment gap. In addition, there is a real fear at the moment in Fife that teachers’ workloads will be impacted upon. I have written to the head of education to raise this issue directly,

but there has already been a hugely detrimental impact on this predominantly female workforce. One woman told me of bursting into tears at work; another told me how her headteacher does not want her to go; and another told me how the result of the proposals could be a £3,000 cut to her wages.

Fife Council has taken away that “participation in decision making” and has therefore directly impacted upon its employees’ psychological wellbeing, via a process that appears to have involved absolutely no consultation. Can members imagine what would happen if those secretaries were teachers? What would happen if teachers were told that they had to take a £3,000 pay cut or jump up in salary and forcibly complete additional training? Some of these women—the workforce is predominantly female—have worked in Fife schools for the best part of 30 years. That is a truly shameful way for any organisation to treat its employees, never mind a local authority that should know better.

In summing up, I have highlighted today the lack of fair work options in my constituency.

The Deputy Presiding Officer: Sum up quickly, please.

Jenny Gilruth: I have highlighted poor employment practices in the form of Fife Council’s proposed cuts to school secretaries. I will close now.

16:26

Jeremy Balfour (Lothian) (Con): As the Scottish Conservative spokesperson on disability and convener of the cross-party group in the Scottish Parliament on disability, I regularly meet disabled people and disability charities. One thing that they have all identified is the critical issue of employment.

There are 1 million disabled people in Scotland. Despite the employment rate improving and the advent of the Equality Act 2010, there is still a significant difference between the number of disabled people in employment—42 per cent—and the overall figure of 73.4 per cent. The statistics are even worse for those who have a learning disability. According to research undertaken by the Scottish Commission for Learning Disability, the employment rate for people with a learning disability sits at between 7 and 25 per cent.

As Johann Lamont pointed out, the persistent lack of employment opportunities for people who have a learning disability is being highlighted as part of Down’s syndrome awareness week. The theme is inclusion in employment, because opportunities for paid employment remain limited

and the transition from education to the workplace continues to be a challenge.

Young disabled people are often presented with few options on leaving school, and many of them are directed to day centres or courses at further education colleges. Down’s Syndrome Scotland knows of some members who spent years at college and still ended up with no job, and parents who agree to whatever is offered to them because of a lack of options and the fear that their child will end up with nothing else.

I agree with the charity that those outcomes can hardly be described as positive destinations. I have grave concerns that many colleges see disabled people as a cash cow and place them on a conveyor belt of courses with little regard for their long-term prospects.

Focus group research that was undertaken by Disability Agenda Scotland identified that disabled people, like most of us, see the importance of work as a source of income, as something to do for their wellbeing and as a way for them to feel that they can contribute to society. However, there are still many barriers that prevent disabled people from finding work and progressing in employment. Those barriers include negative attitudes from employers, inaccessible workplaces and inflexible working practices.

Research by the disability charity Scope revealed that one in five disabled people felt they could not disclose their disability. I attended the disability annual general meeting of one of the large public service organisations a few weeks ago, and was told that some people do not go for promotion, because they do not want to discuss their disability. A large employer here in Edinburgh has told me that it is committed to inclusive work, but only 4 per cent of its workforce is disabled.

I have met a number of employers who tell me that there is still a fear amongst many employees of disclosing that they have a disability. Employers tell me that disabled people are not applying for jobs, while many disabled people tell me they have given up applying for jobs because they have simply been unsuccessful.

Across the public and private sectors, we must look at the interview process. It is still a hurdle, and many hiring managers lack basic knowledge and training on disability. To be fair to the employers I have spoken to, many acknowledge that that is a problem but they are scared that they might say the wrong thing.

My discussions with employers, disabled people and disability groups have identified that one size does not fit all. We need lots of schemes and lots of help. Perhaps people do not understand where to get that advice. Perhaps, as the Federation of Small Businesses has suggested, the Scottish

Government and the UK Government could come together in a single portal where all information on disability and employment could be brought together rather than people having to search through many different web pages.

As I have said before, disability is diverse. Many disabled people have conflicting needs, but such diversity is not an excuse to ignore disability in employment. To do so is unfair. With the devolution of employability programmes, there is a real opportunity to do things differently and provide better support to get disabled people into work. Disability does not mean inability. Disabled people have as much to offer as the rest of society.

16:31

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Greater fairness in the workplace is about greater fairness in society. It is about understanding that although the social or economic values of what people do may be different, all contributions in the workplace are equal. That is why the living wage is so important: no matter what a person does, they should be rewarded fairly and properly.

I welcome the debate and I base what I say in it on my experience of working in the private, public and third sectors before being elected. I have done the extra unpaid hours in the office and cleaning up behind the bar. I have been paid below the living wage in several different roles, and I have done, as a teenager, the unpaid trial shifts that Stewart McDonald was trying to get rid of through his private member's bill at Westminster.

We have talked about potential solutions, but perhaps we need to reflect on why the current unfairness exists. It is because of socioeconomic policy choices that have been being made for decades. It is because income inequality rose during the new Labour era. It is because working rights were weakened during the recent coalition Government, and it is because employment law has, in some ways, been weakened under the current UK Tory Government.

There has not been a negative impact just in terms of unfairness in the workplace; there are so many consequences. Income unfairness has been created, which leads to inequality in terms of people being able to afford the heightened and inflated cost of living, in particular when it comes to housing. The situation has created health inequalities and has led to insecurity and overwork. It is important that it has also fundamentally damaged the quality of life of many citizens and workers.

Scottish Government action on the issue is so important—especially when it comes to

encouraging as many employers as possible, including us as MSPs, to be living-wage employers. The business pledge sets out to enhance as much as possible fairness in businesses, particularly in the private sector.

Johann Lamont: Do you think that it is worth exploring conditionality, so that employers do not get credit for signing the business pledge unless they pay the living wage and guarantee rights in respect of training? We could explore that whole area, but do you have a view on the points that Patrick Harvie made in that regard?

Ben Macpherson: I welcome the question and will shortly come on to the issue that Johann Lamont has raised. However, the issue that we need to consider is that the business pledge cannot be enforced in law here because we do not have proper powers over employment law in the Scottish Parliament, which puts us at a significant disadvantage. Johann Lamont said earlier that she supports employment law remaining at Westminster, but every day that employment law continues to be reserved to Westminster is a wasted chance to improve employment rights here in Scotland. The Labour Party should think seriously about that and support the calls for employment law to be devolved to the Scottish Parliament as soon as possible.

I thank Johann Lamont for her question because it leads me on to my next point. The discussion is about fairness in work and increasing growth and productivity, but there is not enough focus on the fact that the Scottish Parliament cannot act on the private sector and that 29 per cent of people who are paid less than the living wage work in the private sector. If we want to take robust action, we need to think seriously—especially the parties on the left—about uniting as much as possible to argue for those powers over the private sector to come to the Scottish Parliament, along with powers over company law, business taxes and as many social security powers as possible.

One of the biggest problems at the moment, which particularly affects people's quality of life, is overwork. There are challenges regarding opt-outs from workers not having to work more than 48 hours a week, and I am seriously concerned about what would happen to protections in the working time regulations if we leave the European Union. We should think seriously about that.

The Deputy Presiding Officer: The last of the open debate contributions is from Tom Arthur. You have a very tight five minutes, please, Mr Arthur.

16:37

Tom Arthur (Renfrewshire South) (SNP): I am very grateful for the opportunity to speak in the debate. I will begin by picking up on a remark that

my friend and colleague Jenny Gilruth made in her speech, because I think that it is one of the most profound and important remarks in the entire debate. It was about the link between fair work and democracy.

I am sure that any student who left one of Jenny's modern studies classes or any history teacher's classes would be perfectly aware of the link between the lived experience of people through fair work and their economic circumstances, and their faith in democratic institutions—the lessons of the late 1920s and the 1930s speak to that. However, in our contemporary world, with the wave of nasty and violent xenophobic populism that has spread across the globe—be it the rise of Front National, Alternative für Deutschland, Trump or, indeed, Brexit—we cannot escape knowledge of the causal relationship between people's economic circumstances and their experience of lack of fair work, and their sense of alienation and hopelessness that has led to decisions to embrace those ideologies. This debate is therefore of profound importance.

I will comment on a couple of remarks. I welcome Jamie Hepburn's response to Johann Lamont's intervention regarding positive destinations; specifically, that we are going to look at how outcomes are measured. That is to be welcomed as something that we can all agree on. I also welcome the action to increase uptake of the Scottish business pledge, because schemes like that are incredibly important. However, there are challenges in making the requirements compulsory; Patrick Harvie spoke of there being a high road and a low road in that regard.

There is a suite of high-road options, and one measure that I am particularly supportive of is the carer positive scheme, which my colleague Ruth Maguire referred to in her remarks. I led a members' business debate earlier this year on the carer positive scheme. I encourage all MSPs to look into the scheme and to become accredited carer positive employers. The scheme will become more and more important, given that carers make up 17 per cent of the adult population and that 270,000 people—10 per cent of the working population—combine work and care. With the number of carers in Scotland expected to reach 1 million in the next 20 years, it is absolutely vital that our working environments adapt to ensure that carers have positive workplaces.

Another important scheme is the living wage accreditation scheme. Some points have been made about how we can ensure living wage accreditation in public procurement, and there are challenges and debates there, but I recognise the sincerity of members who want to see that scheme being applied down to subcontractors. One of the

big issues is the fact that this Parliament does not have control over the national living wage. As has been described previously, the national living wage is something of a Tory con. It would be far better if this Parliament had those powers, then we would be able to deliver a real living wage for all employees. I join colleagues who are calling for devolution of the national living wage powers to this Parliament.

One of the key issues within that is age discrimination. As things currently stand, there is a national living wage of £7.50 an hour, but for someone who is 16 or 17 years old it is £4.05. My very first job was as a kitchen porter, some 16 years ago. I judged myself to be as capable of performing those onerous duties as any person of any age—indeed, more capable than some people who were older than me—but I was earning less than £3.50 an hour, just by dint of the fact that I was 16 years old.

The reality is that people under 25 will be paid less. My Westminster constituency colleague, Mhairi Black MP, is 23 years old, but she is a far more capable representative than some of the superannuated lobby fodder that graces the halls of the Palace of Westminster. Under the principles of the national living wage and the national minimum wage, she would be deemed less able.

There is much more that I would wish to say in this debate, but I will conclude my remarks by reiterating my support for the action that the Government is taking, and reiterating my calls, and the calls of others, for devolution of employment law and devolution of the national living wage to this Parliament.

The Deputy Presiding Officer: We move to the closing speeches. I remind everyone that remarks should be addressed through the chair; that applies to interventions as well.

16:42

Pauline McNeill (Glasgow) (Lab): I have always believed in fairness in the workplace. As a former trade union official for GMB Scotland, that is what I have done for most of my career, but I believe that the aspiration in this Parliament to create the terms for a fairer workplace is more important now than it has ever been.

Good terms and conditions, a real living wage, a decent pension scheme, a policy for older workers as well as for younger workers, a fair workplace for workers with disability who need assistance, and workers' ability to be represented by a trade union in their times of need against an employer when that is necessary are, for me, some of the key elements of fairness in the workplace. The imbalance between the employer and employees must be evened out, and there needs to be a

radical overhaul of the status quo if we are to achieve that aspiration.

As we have discussed in other debates, the workplace will probably look quite different in the future, and I certainly hope that it will be more diverse. We have had debates about the ageing workforce, the automation of jobs and the prevalence of precarious employment, all of which are becoming normal in our society, which means that there is a great deal of work to do.

As Johann Lamont and others have highlighted in relation to zero-hours contracts and precarious employment, we know of 71,000 people who are on those types of contracts. Deep insecurity in employment is a blight on the economy, and it will stop the confidence of our economy if we do not bring a halt to precarious employment contracts. As Johann Lamont also said, for most workers, it is not really a choice to give up permanent hours, the right to sick pay and the right to have basic terms and holiday pay. That is not a choice that most people would make, but many people in precarious employment are forced into that situation.

The crash of 2008 is one of the underlying causes of our being where we are today. As the Institute for Fiscal Studies has said, wage stagnation will probably not be any higher in 2022 than it was before the crash. *The Economist* today dubbed the last 10 years as having the worst growth since the second world war. We cannot underestimate the loss of quality jobs in the decade since the crash. In fact, we cannot underestimate the number of highly paid jobs that were lost from the economy or the power that that gave some employers over more employees who were searching for work in a difficult economy. This month, Paul Johnson, the head of the IFS, said that the economy had

“broken UK record after UK record”

and that it is probably

“at least £300 billion smaller”

than it might have been had we not had the crash.

Sadly, it is workers who have been paying the price for the past 10 years. The exploitation of workers has to stop. For clarity, what the Labour amendment strikes at is a situation in which, whereas Jamie Hepburn says that it is perfectly legal for the Government to use agency workers, we say that it should make it clear in its contracts that it should not use such workers unless there is a clear case for that. It should make it clear that employers will not qualify for public sector contracts unless they pay the living wage, have trade unions in their workplaces and give the right terms and conditions. That is the power that the

Scottish Government holds, and that is why it is in our amendment.

The gig economy that other members have talked about, involving unscheduled work, means that there is no way to challenge unfair dismissal and no rights to redundancy pay, paid holidays or sick pay. Such work is on an upward trend, with one in 10 workers now being in precarious work. We must act where we can, and we must act now. Other members have talked about young people and poorer people being forced into that type of work, which is a key reason for the widening inequality gap. It is not just about pay; it is also about rights. In the longer term, the power of many large employers over those seeking work in an unregulated framework will be a disaster for the economy.

Other members have talked about trade union membership, which, I am sad to say, is at an all-time low, with only one in five people being in a trade union. It is estimated that, by 2025, the figure might be as low as one in six people. That is not a good thing for the workplace or for workers. I am not absolutely clear where Dean Lockhart is coming from when he talks about trade union rights diminishing EU protections, but I would like to know about that. The Tory party has a history of wrecking trade union rights and has not stood up for trade unions in the workplace.

I listened carefully to Michelle Ballantyne’s speech and I will think about what she said, but I make this point to her: trade unions that, in most cases, behave reasonably and work in partnership with employers have proven that they contribute to the confidence of companies and businesses and that they can achieve much better outcomes as well as protect workers.

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

Pauline McNeill: Presiding Officer, I cannot believe that I have had six minutes.

I hope that members will support the Labour amendment.

The Deputy Presiding Officer: I call Jamie Halcro Johnston. See if you can speak for under six minutes, please.

16:48

Jamie Halcro Johnston (Highlands and Islands) (Con): I will give it a go, Presiding Officer.

I advise members of my entry in the register of members’ interests in that I am a partner in a farming partnership business.

The debate has been a welcome opportunity to consider approaches from around the chamber to

improve employment practices as well as look at the changing shape of employment here in Scotland. There is a proud legacy to look back on: the factories acts, which outlawed racial discrimination; work to equalise pay and prevent discrimination on the basis of someone's sex; and, a little more recently, work to outlaw discrimination against people with disabilities. Although many aspects of our employment law were developed in response to changing economic circumstances, they often went further than just adapting to the times. We made progress that built on what had been achieved by generations before, and we enhanced it.

One of the biggest challenges that technological progress has created in recent years is the expansion of the gig economy and casual work. Although that has reduced barriers to competition, it has increased self-employment and risks, weakening the protections that certain workers currently enjoy.

The Taylor review of modern employment practices, which the UK Government commissioned, is a wide-reaching and commendable piece of work.

Keith Brown: Will the member take an intervention?

Jamie Halcro Johnston: I will not have time to do so, I am afraid.

Ministers have made proposals that address the recommendations of the Taylor review. Indeed, the UK Government is going further in several areas. All workers will, for the first time, have the right to request a more stable contract, the right to a payslip and additional rights to holiday pay and sick leave. Our 1.2 million agency workers will have new rights to see any deductions from their pay. Such rights might be commonplace among full-time workers but they are the sort of security that people on flexible contracts need now.

The more flexible economy creates opportunities, increases competition and lowers prices for consumers. Nevertheless, we must not lose sight of the often hard-won assurances on which people in work depend. Fast-moving change such as automation has enormous benefits but risks making certain skills redundant. It is more essential than ever that a fair deal for people in work involves a greater focus on training and skills development, starting with careers guidance in school and continuing throughout a person's working life.

Government has an important role in enabling and encouraging beneficial working practices. There are now almost 450 signatories to the Scottish business pledge, but that represents around 1 per cent of enterprises that operate in Scotland.

As Rona Mackay said, the Parliament and members of this Parliament, as employers, faced issues recently. I welcome the role that the Standards, Procedures and Public Appointments Committee, of which I am a member, has taken in helping to address those issues. That should serve as a reminder that this institution should be a model of good practice and not an exception.

Pay is also important. Since the recession a decade ago, there has been substantial growth in employment, with more people having entered work and existing workers' overall earnings having grown as they have taken on more hours or moved from part-time to full-time employment. However, wage growth remains a problem throughout the UK.

The national living wage, which was created in 2015, has been welcome. Increasingly, it is having an impact for many low-paid workers, growing numbers of whom have been removed from income tax by successive changes to the personal allowance. Enforcement of the minimum wage is also important, with increased fines as well as naming and shaming for employers who attempt to get round the law.

More widely, it is the Government's role to look further into productivity growth and how best to create an economy that functions effectively. Many recent initiatives to support people on low pay have disproportionately benefited working women, who are more likely to work part time and who are still affected by a pay gap in relation to male workers.

Another challenge that we confront is occupational segregation. Just this week, a Skills Development Scotland report showed that only 13 per cent of people who go into foundation apprenticeships in STEM subjects are female. Even among those who are entering the workforce for the first time, such segregation is clearly an issue.

The Scottish Government's motion mentions European Union law on workers' rights. We reaffirm the UK Government's commitment to enhance workers' rights after Brexit and ensure that the same standards continue in domestic law. The United Kingdom already exceeds the minimum standards that are required by EU law. To take just a couple of examples, we have greater levels of annual leave and we have nearly four times the statutory maternity leave that EU law mandates. It is the UK, not the EU, that has been and will remain the key guarantor of workers' rights.

My colleague Dean Lockhart spoke about good work and the Taylor review's role in building fair employment across the UK. He also spoke about the key principles that we should embrace, such

as job security, equal treatment, support and good employment terms and conditions. He talked about the role of parental leave and maternity pay, the gender pay gap and the benefits of increasing employment rates and improving industrial relations. Trade unions, at their best, are important champions of individual workers and rights in the workplace.

Gordon Lindhurst spoke about the work of the Economy, Jobs and Fair Work Committee, of which I am a member, including its inquiry into the gender pay gap. In particular, he mentioned the benefits of flexibility in the working environment, the advent of shared paternity leave and issues to do with childcare access. He also spoke of the growth in participation in workplace pensions. The participation in those pensions of women in the private sector has risen from 40 per cent in 2012 to 73 per cent in 2016, which suggests that more people will have greater security in their old age.

Michelle Ballantyne addressed some of the benefits of looking at human capital and talked about the role that human resources can play in ensuring fairness in our workplaces by improving staff retention and encouraging employers to recognise that their employees are assets in whom they should invest.

Jeremy Balfour spoke about the experience of disabled people and the barriers that they often encounter to finding work and progressing in it. As well as encouraging employers, it is clear that there remains scope for informing and supporting businesses that want to take on people with disabilities.

The northern isles, which are in my region, have the highest incidence of multiple sclerosis in the country. The MS Society contacted members ahead of the debate and pointed to the central importance of reasonable adjustments and some of the problems that people with certain conditions still face, as well as to the cost of losing people with such conditions from the workforce.

The Deputy Presiding Officer: You must close, please.

Jamie Halcro Johnston: Today, we celebrate some of the progress that has been made in improving fairness in the workplace and making real, practical change that improves people's lives. However, a great deal of work remains to be done.

The Deputy Presiding Officer: I call Keith Brown to wind up the debate. Can you take us to decision time, please, cabinet secretary?

16:55

The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown): In today's debate, we have quite rightly heard a great deal about the

protection of workers' rights, the ability of workers to access opportunities and the value of their work to individuals, businesses, employers and our economy. It is quite obvious that fair work means different things to different people, but I think that, at its core, there is agreement that the principles should be based on human dignity, value and potential and that they should always look to balance the rights and responsibilities of workers and employers.

One of the intentions behind holding this debate was to see whether there is consensus in the Parliament on the principles of fair work. That possibility was completely blown out of the water when we saw the Labour Party's amendment to our motion. That is extremely unfortunate. Patrick Harvie had it right when he spoke about how the completely overblown nature of the Labour amendment meant that it would be impossible to reach a consensus, even though there is consensus among not only a great number of the parties in the Parliament, but our trade union colleagues and others.

Despite that, we have had some very good speeches, particularly from the women in the chamber. Michelle Ballantyne's points were well made, not least in relation to human capital. I do not want to put words into her mouth, but I am glad that she conceded the point about the real living wage being important for productivity and staff retention.

Rona Mackay made one of the most crucial points when she talked about the gender gap—that is a challenge for us—and how the really important word is "respect". I recently met representatives of the Joseph Rowntree Foundation and some women who had suffered a terrible experience as a result of receiving not only low wages, but bad treatment from their employer. Although the living wage is very important to those women, they said that important thing was the message that it sends. To be paid less than other colleagues is disrespectful and the most demotivating aspect for women.

I will quickly try to address some of the points that have been raised, although I have less time in which to do so than some of the Opposition spokespeople had. Patrick Harvie spoke about the implementation of measures that he and his party have previously called for, not least in relation to regional selective assistance. He also mentioned that companies should comply with our aspirations when we provide support. That issue is being taken forward as a discrete piece of work in the area that he mentioned, but also more generally through the fair work action plan, which Jamie Hepburn mentioned.

Patrick Harvie: Will the member give way?

Keith Brown: I am sorry, but I really do not have time—I have only five minutes in which to sum up. I apologise for that, but I am happy to write to the member to flesh out that point more fully.

On Willie Rennie's point about Amazon—which is also known as Neil Findlay's publisher—it is true to say that I have had a conversation with it about its working practices. I should highlight that when Amazon said, as Willie Rennie mentioned, that a decision on practices would have to be taken elsewhere, I pointed out that it already paid higher wages in the south-east of England, so surely it could go along with the principle that it had established. We have kept up that dialogue, and the Minister for Employability and Training will shortly meet Amazon and take up those points again.

Gordon Lindhurst's points about auto-enrolment in pensions were absolutely right. It is very important that all employers should observe the rules brought in by the Conservatives on auto-enrolment.

I agree with many of Johann Lamont and Elaine Smith's points. However, we do not have any agreement on the fundamental point on what powers the Scottish Government has to take forward some of the measures. I do not agree with Johann Lamont's point that we should wait until we have a UK Government that might want to take forward some of the measures before we can make progress in Scotland. In my adult life, the Tories have been in power for twice as many years as the Labour Party—26 as opposed to 13. However, when Labour was in power, it did not roll back the trade union legislation introduced by the Thatcher Government, so we are not getting progress elsewhere. People in Scotland should not have to wait to see real change or wait for employment law to be brought to this Parliament.

A number of members mentioned Brexit, which represents a huge challenge. I do not agree at all with the Conservative's amendment and their point that they will protect the workers in Scotland or, indeed, the UK post-Brexit.

It is very important that we speak out when we do not agree. I do not agree with those people in the Labour Party, such as Jeremy Corbyn, who talk about importing cheap agency labour or who have mugs with comments on them about controls on immigration. That is not respect for the workforce and it is not respect for EU nationals, who are vital to our economy. If we are going to have respect for one group of workers, we should have respect for all groups of workers.

I met workers from other EU countries this morning in Glasgow, when I was announcing the creation of 314 jobs over the next three years. I

spoke to a woman from Portugal who told me that EU workers realise what it means when people talk about not wanting imported agency labour or wanting controls on immigration. We must continue to value the employees that we have from the rest of the EU. We need those people, not least in the hospitality and leisure sectors.

Membership of the EU has secured the establishment of many of our employment rights and protections. In Scotland, our people, Parliament and Government have made clear our commitment to Europe, and we recognise the value of membership of the EU to Scottish workers and employers. We are pleased that the UK Government has voted in support of the social pillar. However, any legislative proposals emerging from the pillar are unlikely to be implemented prior to the UK's departure from the EU. We would welcome early discussions about how the UK Government will go about adopting the principles that are set out in the pillar.

Despite the Labour Party amendment, I hope that in the future we will get some consensus on fair work. On the point made by Elaine Smith, the fair work convention is independent of Government and decides its own programme. I think that the issue that she raised will be examined by the fair work convention—although that is a matter for the convention to decide—and I would be happy to write to her to confirm that.

We have debate, but there is also a great deal of consensus among some of the parties in the Scottish Parliament. Where we can agree, it is really important that we send out the message that we are all in support of fair work in the workplace throughout Scotland.

Parliamentary Bureau Motion

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of parliamentary bureau motion S5M-11236, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2018 [draft] be approved.—[*Joe FitzPatrick*]

Decision Time

17:01

The Presiding Officer (Ken Macintosh): The first question is, that amendment S5M-11160.1, in the name of Dean Lockhart, which seeks to amend motion S5M-11160, in the name of Jamie Hepburn, on building greater fairness in the workplace, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 25, Against 76, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-11160.3, in the name of Jackie Baillie, which seeks to amend motion S5M-11160, on building greater fairness in the workplace, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)

Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 21, Against 80, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S5M-11160, in the name of Jamie Hepburn, on building greater fairness in the workplace, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)

Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 76, Against 25, Abstentions 0.

Motion agreed to,

That the Parliament shares the vision of the Fair Work Convention that, by 2025, people in Scotland will have a world-leading working life in which fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society; considers fair work as central to achieving inclusive growth; commends all employers that recognise the value of their workforce by giving them fair access to opportunity, respect, security, fulfilment and an effective voice; recognises the vital role of trade unions to Scotland's economy, society and workforce; condemns those who seek to exploit workers, and recognises the importance of the EU social pillar in ensuring that workers can have ongoing protections and rights in statute.

The Presiding Officer: The final question is, that motion S5M-11236, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2018 [draft] be approved.

Meeting closed at 17:05.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba