



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 14 December 2023**

**Session 6**



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# Scottish Parliament

Thursday 14 December 2023

*[The Deputy Presiding Officer opened the meeting at 11:39]*

## General Question Time

**The Deputy Presiding Officer (Annabelle Ewing):** Good morning. The first item of business is general question time.

Question 1 has been withdrawn.

### General Practitioner Surgeries (New Patients)

**2. Martin Whitfield (South Scotland) (Lab):** To ask the Scottish Government how many general practitioner surgeries are not currently accepting new patients. (S6O-02887)

**The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson):** The Scottish Government does not hold that information. However, I am clear that patients should always have access to general medical services. Practices must apply to their health board to close their list and agree the conditions and timeline for reopening them. Circumstances will arise in which a practice experiences capacity issues and is unable to routinely accept new patients on to its list. We expect health boards to work with practices as constructively and flexibly as is appropriate to help to manage the situation and ensure that all patients have access to GP services.

**Martin Whitfield:** There can be no denying that, under the Scottish National Party Government, GP surgeries and our GPs are particularly overworked and overstretched. Statistics that were published this week show that, in the past 10 years, the whole-time equivalent number of GPs has plummeted by 200, but the number of registered patients in Scotland has soared by more than 390,000 in the same period. If the Scottish Government were a patient, would it accept that from its GPs?

**Michael Matheson:** I recognise that general practice services are under pressure and that they are under greater pressure in some parts of the country than they are in others because of population shifts, which create particular challenges for practices.

Martin Whitfield will be aware of the significant investment that we have put in to expand the primary care team, with some 4,700 additional staff being recruited to support our general practices throughout the country. That includes physiotherapists, phlebotomists and pharmacy

services. All of that helps to support general practice. Alongside that, there is the commitment that we have made to recruit an extra 800 GPs over this parliamentary session and into the next parliamentary session. We are making good progress on that.

However, I recognise and acknowledge the challenges that general practices have. We have been expanding the primary care team around them to ensure that patients can receive a broad range of services within general practice.

**Sandesh Gulhane (Glasgow) (Con):** GPs want to keep their lists open but, to do that, they risk becoming overwhelmed and they cannot offer the same level of service. A particular issue arises with the construction of new-build developments—the cabinet secretary has referred to that. Planning permission is often conditional on developers improving things such as local infrastructure, roads, rail and cycle paths, and investing in schools to cope with increases in the population of the area. However, no provision is made for increasing primary care capacity, and GP surgeries become inundated with new patients when they are already full to capacity. Will the Scottish Government look at addressing that issue?

**Michael Matheson:** I recognise that that has been a long-standing issue. It has even been experienced in my own constituency when there have been new housing developments. That can place pressure on local health infrastructure, particularly primary care services.

I am very open to looking at whether there is more that we can do to ensure that the potential impact of residential developments on local health infrastructure can be addressed more effectively through how planning arrangements operate in local authorities. I am more than happy to engage with Sandesh Gulhane on that issue to see whether further action could be taken.

**Willie Rennie (North East Fife) (LD):** The cabinet secretary seems very laid back about the issue. It is clear that he has not read the words of Dr Andrew Buist from the British Medical Association, who has said that demand is outstripping capacity, GPs are working beyond safe limits and they are exhausted and burnt out. The cabinet secretary acts as if this is not an emergency. What new steps will he take to deal with this emergency before patients suffer?

**Michael Matheson:** I am acutely aware of the challenges and the need for action to be taken on the matter. I think that I have met Andrew Buist three times in the past two weeks alone, and we have discussed those very issues. Therefore, I am acutely aware of the pressures on general practice.

We are taking measures to increase recruitment, and the level of specialist training provision for general practice is increasing. We have more people coming into general practice. I believe that, this year alone, we have been oversubscribed in respect of those who have wanted to go into general practice as a specialty. We continue to look at how we can increase numbers in the years ahead.

We want more GPs. We have, of course, more GPs in Scotland per head of population than there are in any other part of the United Kingdom. There is also the recruitment of the wider primary care team. Some 4,731 additional staff are being provided. That includes physiotherapists, phlebotomists and pharmacy staff, all of whom are critical in meeting the wider demand that patients have. They take away some of the direct demand from general practice and allow others to get the support that they require, whether that be through a physiotherapist—

**The Deputy Presiding Officer:** Thank you, cabinet secretary.

**Michael Matheson:** —or a pharmacist. They all play an important part.

#### **Death Certificates (Relationship Status)**

3. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its position is on whether the current options available to record the relationship status of a deceased person are sufficient for the purposes of this information being accurately represented on death certificates. (S6O-02888)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The information that is recorded in an entry in the register of deaths is intended to form an accurate and permanent legal record. The high-quality records that are produced by registrars form important sources of historical information and allow people who are researching their family past to make clear and accurate links to their ancestors. The information that is required is set out in a Scottish statutory instrument that was made by the registrar general and approved by the Scottish ministers. The required relationship information is “Marital or civil partnership status”.

**Pauline McNeill:** I apologise to the cabinet secretary for the complexity of this supplementary, but I ask her to bear with me. Only the wife, husband or relative of a recently deceased person has the legal right to register their death. Partners who are cohabitants, regardless of for how many years, do not have that right. They must either own property with the loved one who has died or be present at their death. Cohabiting partners are also not allowed to be recognised on the death certificate.

However, apparently some registry offices can record the deceased as being survived by their former partner whom they divorced many years ago. That is the key point. Does the Scottish Government consider that to be right in such cases or, in fact, accurate, if they have been long divorced? Could that happen where there has been an abusive spouse? I just raise that question. If the deceased’s status was divorced and they have a surviving partner, perhaps there is no need to record the former relationship. I wonder whether the Scottish Government could raise awareness—

**The Deputy Presiding Officer:** Ms McNeill, we need to get to the question to the cabinet secretary, please.

**Pauline McNeill:** —among cohabiting partners and awareness that registrars should be sensitive to such cases.

**The Deputy Presiding Officer:** Cabinet secretary, I hope that you managed to get that.

**Angela Constance:** This is indeed a somewhat complex matter. The Scottish Government has given some consideration to it, because we have had correspondence about it. We recognise that many couples today live together in enduring relationships and that that is becoming more common. However, there are some complications around allowing a cohabitee or cohabitant to be included in the entry on the death register. I am happy to write to Ms McNeill in detail, but one example of a complication would be if the registrar was faced with a situation in which the deceased remained legally married or in a civil partnership but was also cohabiting at the time of death: it would not be clear whether the person should be recorded as cohabiting or married.

On the issue of different practice, that would not be my understanding—

**The Deputy Presiding Officer:** Cabinet secretary, you are over your time. You will need to write to the member.

**Angela Constance:** I will follow up in correspondence.

#### **Cladding Remediation Programme**

4. **Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government whether it will provide an update on its cladding remediation programme. (S6O-02889)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The safety of home owners and residents is our absolute priority. That is why we introduced the Housing (Cladding Remediation) (Scotland) Bill on 1 November, which will give ministers new powers to ensure the remediation of buildings with unsafe cladding, and

it is why we are seeking the transfer of powers in order to create a building safety levy. We are undertaking a robust programme of pilot single-building assessments. Those assessments are being completed and remediation work is under way.

**Willie Coffey:** At our recent Local Government, Housing and Planning Committee meeting, we heard that, of the 105 buildings in the pilot programme, only 27 have had assessments commissioned, only one building has had remediation work and only one building has had mitigation measures. Will the cabinet secretary explain that progress and give an assurance that the work will proceed at a much faster pace?

**Shirley-Anne Somerville:** When the Minister for Housing gave evidence to the committee in May, he acknowledged that, for many home owners, the process has taken too long. The tenure system in Scotland is, of course, different from the system in England, and that complexity is an additional challenge for the programme, given that we do not have single building owners. Last year, the then cabinet secretary announced a change in approach to the programme, moving from a grant model to a direct procurement model, which has led to a real increase in the pace of the programme. I hope that that gives Mr Coffey some reassurance on the issue.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I understand from meetings with the minister and a round-table meeting that Kaukab Stewart held yesterday how challenging the issue is for the Government. I also know from my constituents and others that people whose buildings are affected appreciate communication from the Government. Can the cabinet secretary advise whether the Scottish Government will consider proactive communications on a regular basis with affected building owners in order to increase awareness of the process of remediation and the timescales for it?

**Shirley-Anne Somerville:** The Minister for Housing has had conversations with a number of MSPs as well as, importantly, directly with residents in recent weeks and months since taking up his post. He is keen to ensure that we improve communication with the home owners of the buildings in the programme. Further to that, I understand that he has asked officials to scope several options, including regular communications on the overall programme flight path, as well as building-specific communications. I expect that to be implemented in the new year. I am sure that the minister will keep Mr Macpherson updated on progress.

**Miles Briggs (Lothian) (Con):** As has been stated, in Scotland only one such programme of works has been progressed. A huge amount of

detail is not in the Housing (Cladding Remediation) (Scotland) Bill, including on the single building assessment, the cladding assurance register and the responsible developers scheme. Does the cabinet secretary acknowledge that the continued absence of that detail in the bill creates risks for those who are affected, including residents and home builders, and that it has the potential to prolong uncertainty for residents who are impacted?

**Shirley-Anne Somerville:** I am sure that the minister would be more than happy to go into the details of the issue with the member. However, I will give an example of the reasons behind our approach. Our approach for the responsible developers scheme aligns with the approach that has been taken by the United Kingdom Government when establishing its responsible actors scheme. The UK Government also put the details of that scheme in secondary legislation. The level of detail that is required for the scheme is more suited to secondary legislation, but I am sure that that is a discussion that the Local Government, Housing and Planning Committee will have when taking evidence on the bill, to which the minister will be happy to respond.

### Care Homes (Rural Areas)

5. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what action it is taking to ensure that rural populations have convenient and appropriate access to care homes. (S6O-02890)

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** Although we have overall responsibility for health and social care policy in Scotland, the statutory responsibility for delivering, commissioning and charging for services lies with local authorities and health and social care partnerships. We have set clear standards for the quality of care that is provided in Scotland, which includes convenient and appropriate access to care homes. My officials and I regularly engage with local partners to assure ourselves that those standards are met nationally. We are also committed to building a national care service to improve the quality and consistency of social care across Scotland, recognising that, often, a different approach is needed for people who live in rural communities.

**Brian Whittle:** South Lanarkshire Council is currently consulting on proposals to close the McClymont house care home in Lanark in order to fill a £20.8 million shortfall in its social care budget, which was compounded by the Government's clawback of circa £18 million from the health and social care partnership earlier this year. The next nearest council-run facilities are located in the central belt towns of Hamilton, Rutherglen and

East Kilbride. What is the Scottish Government doing to prevent the closure of care homes in rural areas, such as McClymont house care home in my constituency, that provide vital services to the community,?

**Maree Todd:** As I said in my earlier answer, we set the standards and the policy direction for social care, but local authorities have responsibility for commissioning, delivering and charging for those services. As I said, we are working towards a national care service that I think will improve the situation in both rural and urban settings, but I have no locus to become involved in care home closures in local areas.

**The Deputy Presiding Officer:** Question 6 comes from James Dornan, who is joining us remotely.

**James Dornan (Glasgow Cathcart) (SNP):** It is vital that high-quality adult social care—

**The Deputy Presiding Officer:** Please stop, Mr Dornan. I had moved to question 6, which is allocated to you.

**James Dornan:** My apologies. I had a supplementary for question 5.

**The Deputy Presiding Officer:** Yes, but I have not taken it, Mr Dornan. Please move to question 6.

**James Dornan:** I am now going on to question 6, Presiding Officer.

#### “Social security in an independent Scotland”

6. **James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government how the proposals outlined in its latest “Building a New Scotland” paper, “Social security in an independent Scotland”, would support Scotland’s social security system. (S6O-02891)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Our latest “Building a New Scotland” paper sets out how, with independence, we could build on the progress to create a fairer system that we have made with limited powers. The paper demonstrates how an independent Scotland could go even further by introducing early reforms to universal credit, scrapping the two-child limit and the rape clause, scrapping the young parent penalty and stopping the roll-out of changes to reserved ill health and disability benefits. In time, we could build a fairer system, such as one with a minimum income guarantee to ensure that everyone has an income to live a dignified life.

**James Dornan:** The “Building a New Scotland” paper outlines how future Governments in an independent Scotland might implement and build on a minimum income guarantee in a way that

cannot be fully achieved within the limits of devolution. Will the cabinet secretary elaborate on that proposal and on the necessity of independence to achieve true financial security and wellbeing for Scottish households?

**Shirley-Anne Somerville:** It is disappointing that, given that the Conservatives and Labour at United Kingdom level seem to still be refusing to change our welfare system, we will have to do what we can within the settlement that we have. We have made progress but, as the interim report from the minimum income guarantee expert group showed, there are limits to what can be done under devolution on a minimum income guarantee.

The group will produce its final report next year. I look forward to its recommendations on next steps that we can take under devolution and—importantly—on how the powers of independence may be required to allow our citizens to have a truly dignified social security system.

**Paul O’Kane (West Scotland) (Lab):** I do not want to state the obvious, but the paper is the latest iteration of what the Scottish National Party might do in a hypothetical future and it does nothing to support Scotland’s social security system now. That system has overspent massively on information technology, has waiting times for processing claims for adult disability payment and other benefits that are through the roof and has delayed the transfer of key benefits, which has left them in the hands of the Department for Work and Pensions. Should not the Scottish Government focus on running a properly functioning system now, rather than on dealing in hypotheticals?

**Shirley-Anne Somerville:** I will give one example of how we have used our powers already, which is through the Scottish child payment. We created that because universal credit is inadequate. What a shame it is that we will have to continue to mitigate the worst excesses of any UK Government—whether it is the Tories or Labour—because of both parties’ absolute refusal to take seriously the impact that welfare reform has had on our citizens. Is it not a shame that Mr O’Kane’s party seems quite happy to back the Tories in keeping people in poverty, rather than lifting them out, as we do through our social security system?

#### Ambulance Waiting Times (North-east Scotland)

7. **Douglas Lumsden (North East Scotland) (Con):** To ask the Scottish Government what action it is taking to reduce waiting times for ambulances in north-east Scotland. (S6O-02892)



**The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson):**

The Scottish Government continues to work closely with the Scottish Ambulance Service and NHS Grampian to improve hospital handover times for ambulance crews at Aberdeen royal infirmary and Dr Gray's hospital in Elgin, which is having a significant impact on response times. NHS Grampian has identified that it requires additional acute capacity to meet demand and it is in the process of opening 40 new acute beds to ease capacity pressures. Eighteen of those beds are operational and a further 14 are expected to open by mid-January. That is expected to improve patient flow through ARI and reduce ambulance stacking.

**Douglas Lumsden:** Long wait times for ambulances seem to be caused by ambulances being queued up at Aberdeen royal infirmary for hours on end. Earlier this year, my father had a six-hour wait in severe pain in the back of an ambulance; such waits now seem to be commonplace. Ambulance drivers and paramedics are doing a brilliant job, but they are being failed by the devolved Government. Will the cabinet secretary work with NHS Grampian to improve the situation and stop those excessive waits?

**Michael Matheson:** I am sorry to hear about the difficulty that Douglas Lumsden's father had with his wait in an ambulance. It is important that we take action to address the issues. The biggest challenge to flow through our accident and emergency departments is delayed discharges in our hospitals, which prevent patients from moving from A and E into the hospital setting. That is why we are taking concerted action with our health and social care partnerships to address the issues. We are addressing with the partnership in Aberdeenshire particular issues that have arisen there over recent months, so that we see further action.

I assure the member that additional support services have been provided to Aberdeenshire—for example, the Scottish Ambulance Service has put in place additional ambulance resource in Grampian. There are two new double-crewed ambulances in Aberdeen alone, one new night-shift ambulance that is based at Aberdeen central fire station, a fully funded paramedic response unit in Elgin, a new back-shift in Elgin and a new back-shift in Banff. Keith and Huntly ambulance stations are now both operating 24/7.

To allow flow into hospitals, we need to address delayed discharges. We will continue to focus on that with health and social care partnerships.

**The Deputy Presiding Officer:** That concludes general question time.

## First Minister's Question Time

12:00

### Scottish Ambulance Service

**1. Douglas Ross (Highlands and Islands) (Con):** Figures that were released yesterday show that one in every 10 ambulances in Scotland sat outside hospitals for hours waiting for patients to be admitted. That means that, in just one week, 700 ambulances across the country were stuck outside hospital for hours. We have heard of reports of ambulances backing up and waiting outside Aberdeen royal infirmary, Edinburgh royal infirmary, Ayrshire's Crosshouse hospital and many more. Deputy First Minister, why are ambulances backed up for hours outside hospitals in Scotland?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** Before I answer Douglas Ross's question, I want to put on record the Scottish Government's thanks and very best wishes to Mark Drakeford as he steps down as First Minister of Wales and pay tribute to his dedication in many years of public service. Despite our differences on the constitution, Mark Drakeford has been a friend and ally to Scotland throughout his time as First Minister. He has never shied away from defending devolution, working with others to improve cross-Government co-operation or, of course, standing against the devastating effects of Brexit and Tory cuts. I wish him all the best for the future. *[Applause.]*

I will answer Douglas Ross's important question on the Scottish Ambulance Service, which continues to experience challenges on waiting times for ambulances at a number of hospital sites across Scotland. As Douglas Ross said, some ambulances are taking longer than they should to turn around at the front doors of our hospitals. Of course, similar pressures are being felt throughout the United Kingdom as we enter into winter pressures.

Patient safety remains our top priority. I of course apologise to anyone who has experienced a wait for an ambulance to reach them or has had to wait too long in accident and emergency. I thank our ambulance staff, who are working extremely hard to maintain a fast response to our most critically unwell patients.

The Scottish Ambulance Service is working hard with health boards to minimise delays in handover times. As part of the funding for the winter plan, the Scottish Ambulance Service has received an additional £50 million to help address the increased demand for its services going into winter—

**The Deputy Presiding Officer (Annabelle Ewing):** Thank you, cabinet secretary. I turn to Douglas Ross for his next question.

**Douglas Ross:** I, too, wish Mark Drakeford well. I am sure that he will be pleased that that mention from the Scottish National Party is positive, because the mentions are normally critical when it suits the SNP's argument.

Shona Robison mentioned that some of—*[Interruption.]* Well, it is true.

**The Deputy Presiding Officer:** Members, let us hear Mr Ross. *[Interruption.]* Members!

**Douglas Ross:** It is interesting that SNP members do not like to hear that, but they criticise Westminster and the Welsh Assembly every week.

**The Deputy Presiding Officer:** Mr Ross, please ask your question.

**Douglas Ross:** Anyway, the Deputy First Minister mentioned that some waiting times are longer than they should be. We submitted a freedom of information request on ambulance waiting times across Scotland, and I have the response here. It shows some of the worst turnaround times on record. We can reveal that an ambulance waited outside a hospital in Ayrshire for 15 hours, another waited more than 10 hours in Grampian and another waited more than 11 hours in the Lothian health board area. The Government has known about the problem for years, so why does this scandalous situation keep on happening?

**Shona Robison:** As the Cabinet Secretary for NHS Recovery, Health and Social Care said earlier, as part of the winter plan, we are funding the Scottish Ambulance Service with an additional £50 million to help to address the increased demand for its services going into winter. In addition, we are investing £12 million in hospital at home to increase capacity and keep people away from the front door of our hospitals.

The cabinet secretary also talked about the action that is being taken in various health board areas, including Grampian, which is getting its share of hospital-at-home capacity, and is working hard to address the issues that Douglas Ross alluded to.

I will also say that the investment that I mentioned—the £50 million—that has been given to the Scottish Ambulance Service to address the increased demand on the service is nearly five times the amount of money that the UK Tory Government is giving for health in its entirety in the budget next year.

We will continue to address some of the very serious concerns. The health secretary had the annual review with the Scottish Ambulance

Service yesterday, when many of those issues were addressed. However, it is a bit rich for Douglas Ross to come to the chamber and talk about the performance of our Scottish Ambulance Service—or our health service more generally—when the Tories have singularly failed to provide any funding for our health service.

**Douglas Ross:** That is just not true. I do not know how many times the Deputy First Minister will come to Parliament and make statements that are incorrect.

The Deputy First Minister referenced what the health secretary said earlier in response to Douglas Lumsden on ambulance waiting times; however, the health secretary mentioned something that the Deputy First Minister did not. He mentioned the challenge of delayed discharge. I wonder why Shona Robison did not want to mention delayed discharge in her answer. Could it be that, when she was health secretary eight years ago, she promised to eradicate delayed discharge completely? That is a consequence of her and the Government's failure to deliver on that pledge.

Our FOI request has also uncovered some shocking ambulance response times. Purple calls involve the most life-threatening and dangerous situations for patients. Half of the patients in that category have had a cardiac arrest, and those calls have a target response time of six minutes. However, our FOI request reveals that some patients are waiting more than half an hour, and others are waiting 10 times longer than the target. Why should anyone whose heart has stopped wait so long for an ambulance to arrive?

**Shona Robison:** I absolutely recognise the impact of delayed discharge. That is why the Cabinet Secretary for NHS Recovery, Health and Social Care is working very closely with local authorities and health boards to address that impact.

On Douglas Ross's point about the most urgent category of calls, it is important that those calls are responded to as quickly as possible, and in most cases they are. However, as I set out at the beginning of my responses, it is not acceptable if someone waits too long in relation to those calls. The performance information for the week ending 10 December shows that the median response time for purple calls was seven minutes and 32 seconds; for red calls, it was nine minutes and 25 seconds. I accept that that is too long, and I accept that there will be people waiting outside those times. However, the investment that is being made in our Scottish Ambulance Service and in our health service is absolutely not down to any of the resources that are being given to us by the UK Government.

Earlier, Douglas Ross mentioned the investment in public services. I have it in black and white that, next year, all the money that is coming from the UK Government for health amounts to £10.8 million, which is enough for five hours of capacity in the national health service, and, actually, it is only for smoking cessation; it is not for front-line services—

**The Deputy Presiding Officer:** Thank you, Deputy First Minister. I call Douglas Ross.

**Shona Robison:** —so I do not think that Douglas Ross should come here and lecture us about the health service.

**Douglas Ross:** The UK Government has provided the biggest ever block grant to the Scottish Government to deliver for public services in Scotland. It is failure by the Scottish National Party Government and SNP ministers that is having an impact on patients. The Deputy First Minister speaks about patients waiting a few minutes longer than the target, but some are waiting for more than an hour for a purple-category call. That is unacceptable.

The situation is not just impacting the patients. This morning, I spoke to a paramedic, who wishes to remain anonymous. He told us:

“Staff morale is at an all-time low.”

He described waiting in ambulances, for more than five hours some days, with unwell patients in freezing temperatures. He said that paramedics want to do more for their patients, but that staff are considering leaving because the situation is unsustainable. He said that the Scottish Government’s latest funding programme was supposed to ensure that the right resources are provided in the right place at the right time, but he wants to know how that can possibly be effective when he and his colleagues are sitting outside hospitals unable to get in.

Systematic problems are preventing front-line staff from giving patients the treatment that they deserve. What does the Deputy First Minister have to say to disillusioned national health service staff about this crisis?

**Shona Robison:** We take the views of our front-line staff very seriously indeed, and that is one of the reasons why the Cabinet Secretary for NHS Recovery, Health and Social Care meets front-line staff and hears their views when doing annual reviews, as I did when I was health secretary and as the cabinet secretary did yesterday with the Scottish Ambulance Service.

I can say to Douglas Ross that Scottish Ambulance Service staffing is up 50 per cent under this Government, and we have record levels of investment in our health service, including in our Scottish Ambulance Service. That is in stark

contrast to the real-terms cut that the UK Tory Government is giving the Department of Health and Social Care in England. That flows through, of course, to the resources that this Government has available for our health service. As for following Tory choices, with £10.8 million for our health service, I can say that we will not follow UK Tory spending plans; we will ensure that we protect our health service and our Scottish Ambulance Service.

## Household Finances

**2. Anas Sarwar (Glasgow) (Lab):** I thank the Deputy First Minister for her kind words about Mark Drakeford, who helped to shape devolution over the past 25 years. He has been a dedicated servant to the people of Wales.

We send our condolences to the family of Hanzala Malik. He served the people of Glasgow for more than 25 years as a Labour councillor and as an MSP. He was a champion for equality, and he had friends right across the political spectrum. *[Applause.]*

People across the country are preparing for Christmas. It is a special time, but for many it comes at the end of a year filled with anxiety about their family finances. Over the past year, there has been a 30 per cent increase in the number of families at risk of losing the homes that they own and being made homeless. That is a direct result of a mortgage crisis caused by Tory economic chaos.

The Scottish Government has a mortgage support scheme, but it seems to be in name only because, in reality, it has not supported anyone since 2015. The Scottish Government has committed to holding a review by the end of the financial year, but that is in April, and people are losing their homes right now. Why will the Government not stop the delay and support families before they lose their homes?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I echo Anas Sarwar’s comments about the sad and sudden news of Hanzala Malik’s death. He was a true champion of his Glasgow community, and our thoughts are with his family and his many friends.

I agree with Anas Sarwar that many families are experiencing real pressure, not just at Christmas but throughout the year, as the Tory-caused cost of living crisis continues to bite and to affect their household finances. Of course, it was the economic catastrophe of Liz Truss’s mini-budget that caused many mortgage payments to become sky high, due to increased interest rates.

We have spent about £3 billion of Scottish Government resources over the past year on supporting household budgets, the main measure

being our investment in the Scottish child payment. We will continue, through our welfare funds and other measures such as discretionary housing payments, to support household budgets. On support for people with mortgages specifically, we will continue to look at what more we can do. I will be happy to update Anas Sarwar in due course about that.

**Anas Sarwar:** The Government has a mortgage support scheme, people are losing their homes right now and are being forced into homelessness, and the Government will “continue to look at” how it will implement that scheme. What is the point of having the scheme if it is not going to support people right now, when they are in such difficulty?

Every family that loses their home risks joining the almost 30,000 families who are currently homeless in Scotland. More than 15,000 families across the country are staying in temporary accommodation right now, many of them in hostels, bed and breakfasts and hotel rooms. Shockingly, that means that 9,500 children will wake up on Christmas morning without a home to call their own. On average, families with children spend 347 days in temporary accommodation—that is almost a year. In some places, the figure is even higher: in Glasgow, it is 381 days; in Midlothian, it is 483 days; and here, in Edinburgh, it is 611 days—that is 20 months during which those families are homeless, living in temporary accommodation.

Is the Deputy First Minister not ashamed of that figure? How has the Scottish National Party Government allowed it to get that bad?

**Shona Robison:** I will come to the important issue of temporary accommodation in a moment.

We are supporting household incomes beyond many of the areas in which we have devolved competence. The £3 billion that I mentioned earlier seeks to address things such as the bedroom tax—I am not sure that Anas Sarwar’s party at Westminster has decided whether it will get rid of the bedroom tax. There are pressures on the Scottish budget from those things that we have to mitigate. However, I will be honest: we cannot mitigate everything, because we do not have the resources to do so.

On the important issue of temporary accommodation, we are committed to, and are, acting on the recommendations of the expert temporary accommodation task and finish group, which we co-chaired with Shelter Scotland, and we are investing at least £60 million this year, through the affordable housing supply programme, to support a national acquisition plan.

We are working with social landlords to deliver a new programme of stock management, and we are implementing targeted plans with local

authorities that face the greatest pressure, backed by additional resources.

A transition to rapid rehousing is the best way to reduce the use of temporary accommodation in the longer term. We remain wholly committed to rapid rehousing, and future budgets, which will be set out next week, will confirm that.

**Anas Sarwar:** That is, frankly, a shocking answer. After 16 years of SNP Government, there are people sleeping rough on our streets across the country.

We have a housing emergency in Scotland—something that the SNP Government fails to recognise. There are 30,000 homeless households in our country, and that is the answer that we get. There are 15,000 families in temporary accommodation and 9,500 children without a home, some of them in hostels, B and Bs and hotels. There are 110,000 families on the housing waiting list, and a child is made homeless in Scotland every 45 seconds.

We desperately need more homes, but the SNP Government cut the housing budget by more than a quarter, and now the number of new housing starts is down by 24 per cent. The Government’s incompetence has consequences.

The Government might not want to take my word for it, but this is what Alison Watson, the director of Shelter Scotland, says about the effect of the SNP’s choices:

“it means that an already devastating housing emergency will get worse and continue to devastate lives.”

How many more families need to be made homeless before the SNP Government takes responsibility for the crisis that it has created?

**Shona Robison:** We are taking action, of course. That is why we have a housing plan, with £3.5 billion of investment over the current session of Parliament, to deliver 110,000 more homes by 2032. It is why, across the UK nations, we in Scotland have the strongest rights for people who are experiencing homelessness, and it is why we are taking the action that I laid out to tackle the issue of temporary accommodation.

We know that one of the pressures on temporary accommodation is the Home Office’s fast-track asylum process, which is placing Glasgow City Council in particular under unprecedented pressure and risks pushing people into destitution.

We will continue to invest in housing and in tackling homelessness. However, it would be good to hear from the Labour Party whether Rachel Reeves is to be believed when she says that there will be no additional funding for public services and that we should lower our expectations that

anything will change from the terrible resource settlement that we have had from the Tory Government.

We will wait and see. I would welcome any commitment to housing investment that is made by Rachel Reeves or any other Labour spokesperson, but I might have to wait a long time.

### Planning Regulations (Reform)

#### 3. Liz Smith (Mid Scotland and Fife) (Con):

To ask the First Minister whether the Scottish Government will commit to any reform of Scotland's planning regulations in order to generate growth, as recommended by CBI Scotland in a statement on 7 December. (S6F-02642)

#### The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):

Planning is crucial for delivering the development and infrastructure that we will need to achieve a fairer and greener economy. We have already made significant progress on planning reform, including through the adoption earlier this year of the fourth national planning framework and a new system of local development planning.

Our reforms are now focusing on working with industry and local authorities to ensure that the new system does all that it can to support the delivery of good-quality development. As a priority, we are preparing to publish a consultation early next year on opportunities for improving resources in planning authorities.

**Liz Smith:** Last week, the First Minister was at the 28th United Nations climate change conference of the parties—COP28—promoting Scotland's green leadership potential. However, the Deputy First Minister will know that the average offshore wind project in Scotland still takes around 12 years to be delivered. She knows, too, that there are substantial concerns in business and industry about the complexity of Scotland's current planning regulations and the lengthy delays for consenting processes. What is the Scottish Government doing to speed up the timescales for these critical projects in order to unlock billions of pounds of investment that will stimulate the economic growth that Scotland so desperately needs?

**Shona Robison:** We have a very clear plan around cutting consenting times for onshore wind developments, and we are looking at what more can be done around offshore developments, which are absolutely crucial for Scotland's economy. I met CBI representatives last week—I think that it was then—when they raised issues around planning consents. We agreed to continue to discuss what ways might be found to work, in

partnership with businesses and others, on proposals that could help to address such issues, and we will continue to do that.

#### Daniel Johnson (Edinburgh Southern) (Lab):

When one has conversations with businesses—regardless of sector or type—it is striking that the discussion inevitably comes back to planning. That is particularly true of renewables businesses, which, as Liz Smith has said, highlight the length of time that planning can take, ranging from seven to 12 years. They state that, by comparison, the same projects take as little as two years to get through planning consenting regimes in places such as Norway. Is the Scottish Government looking at international best practice, and will it seek to benchmark our planning processes against our key competitors in the renewables space?

**Shona Robison:** Of course we will continue to look at international best practice; that is the right thing to do. Daniel Johnson will appreciate the complexities around many of these applications, which is why some of them take too long. There is an issue about capacity in the planning system, which is what we are looking to address. That was what Liz Smith was alluding to in her question, and those are the issues that have been raised in my meetings with businesses. We will continue to look at how we can make progress, and I am happy to ensure that members are updated as we do so.

### Green Economy

#### 4. Kevin Stewart (Aberdeen Central) (SNP):

To ask the First Minister what action the Scottish Government is taking to grow the green economy. (S6F-02655)

#### The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):

The global transition to net zero offers enormous economic opportunities. Scotland has strengths and potential in sectors ranging from wind, hydrogen, renewable heating and advanced manufacturing to data and financial services. Our green industrial strategy will set out how we will support businesses and investors to have confidence to make decisions and invest in Scotland to realise those economic opportunities. The green industrial strategy complements our sectoral just transition plans, which focus on securing a fair transition to net zero for specific high-emitting sectors of the economy.

**Kevin Stewart:** PWC's "Green Jobs Barometer" report, which was published this week, found Scotland to be one of only two areas to record an increase in the number of green job adverts from 2022 to 2023, whereas there was a 29 per cent decrease in the United Kingdom as a whole. The number of green job opportunities in Scotland will increase, but what concerns does the Deputy First

Minister have regarding the recent illogical Tory net zero U-turns and the harm that they will do to Scotland's future energy jobs growth?

**Shona Robison:** I join Kevin Stewart in welcoming the positive findings of the jobs barometer. It shows that Scotland is already leading the way in delivering a green jobs revolution and unlocking the tremendous potential of our energy transition. This Government stands squarely behind businesses and investors who are realising the opportunities of green growth in Scotland, and we share an ambition to build a green, fair and growing economy.

My only regret is that we continue to be constrained by the current fiscal settlement and the policies of the UK Government. The recent autumn statement delivers a worst-case scenario for Scotland, with a real-terms cut to our capital budget undermining our ability to invest in Scotland's renewable future. The message is that Scotland is open for business and we welcome investment.

**Maurice Golden (North East Scotland) (Con):** Last December, I highlighted the fact that Scotland's circular economy was just 1.3 per cent circular—the worst of those that were surveyed. The former net zero secretary assured me that urgent action was being taken that would

“drive forward ... change in the years ahead.”—[*Official Report*, 22 December 2022; c 131.]

Twelve months on from that promise, can the Deputy First Minister update the chamber? Is Scotland's economy now more than 1.3 per cent circular?

**Shona Robison:** The Minister for Green Skills, Circular Economy and Biodiversity will take forward the Circular Economy (Scotland) Bill in the new year, which will help to ensure that as many circular economy opportunities are gathered together as possible. That is within an environment in which Maurice Golden's Government is standing in the opposite direction to the one that we need it to stand in. That Government's policies impact on our ability to attract investment here, because international investors will hear a very different message from the UK Government on renewable opportunities, which is very concerning indeed. Given Maurice Golden's comments, I am sure that we can be assured of his support for the Circular Economy (Scotland) Bill in the new year.

**Maggie Chapman (North East Scotland) (Green):** We know that connectivity is vital to securing and sustaining resilient green local and regional economies. The Campaign for North East Rail's connect our coast plans, and other public transport infrastructure, will be crucial to ensuring regeneration and community wellbeing, as well as

reducing carbon emissions. Can the Deputy First Minister provide an update on strategic support and planning for transport infrastructure to support the green economy, especially in the north-east?

**Shona Robison:** Maggie Chapman raises some important issues. I will ensure that the minister writes to her with an update as quickly as possible.

### Depopulation (Highland)

**5. Rhoda Grant (Highlands and Islands) (Lab):** To ask the First Minister what the Scottish Government's response is to the recent report by Highland Council, which reportedly warns of a “significant risk” of parts of its region being “drained” of people. (S6F-02648)

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I welcome strong local leadership in responding to that complex and varied challenge, including the report from Highland Council. Our forthcoming action plan for addressing depopulation has been developed following extensive engagement with local authorities, the Convention of Scottish Local Authorities and regional partners. It will establish a new programme of work to be taken forward, with local and regional partners, to ensure sustainable communities, economies and public services.

**Rhoda Grant:** Homes are needed to retain populations, yet the Government's promised priority for rural housing also includes commuter towns. Highland Council's report tells us that the cost of building a standard two or three-bedroom property in Highland exceeds £400,000, but the Government's grant for council house building is less than £98,000 per house.

Depopulation leads to service breakdown. In many rural areas, there is no available home care for elderly people. Does the Deputy First Minister agree that the Government's intervention has been totally inadequate to date? Will she now act to save those communities?

**Shona Robison:** I do not accept that analysis. I accept that there are challenges in rural communities relating to housing, which is why we have introduced the rural and islands housing action plan. We know that part of the solution is ensuring that people can remain living in rural communities and that there is housing there for people to move to when they take up opportunities to work. That is why we are providing up to £25 million from the affordable housing budget over the next five years to support housing for key workers. The member mentioned the care sector, which is one of the key sectors that we would want to support with that funding.

We recognise all those issues, which is why I am working with Mairi Gougeon on the rural

delivery plan and I am committed to bringing all those areas from across Government into one place, to renew focus on ensuring that we have coherence in delivering for rural Scotland.

**Edward Mountain (Highlands and Islands) (Con):** Last year, fewer than 5 per cent of Caithness mums gave birth in Caithness, and more than 200 had to travel to Inverness. Highland councillors are likely to declare a schools emergency because schools such as Charleston academy are collapsing. The Government has ignored the option of spending money on capital infrastructure in the Highlands. That catastrophic lack of funding is the real reason why there is a population drain. Surely it is time for the Government to invest in the Highlands and start by dualling the A9 right now.

**Shona Robison:** Of course, what Edward Mountain did not mention was the new national treatment centre in Inverness and the new hospital in Broadford. We will set out our plans for the A9, as the Minister for Parliamentary Business has set out.

Edward Mountain comes here demanding more investment in infrastructure at the same time as his Tory Government is cutting capital investment by 10 per cent over the next five years. How does Edward Mountain think that cutting capital budgets by 10 per cent will deliver on the capital projects that he is demanding for the Highlands? We need a bit of an answer to that from Edward Mountain and his Tory colleagues.

**Ivan McKee (Glasgow Provan) (SNP):** Will the Deputy First Minister join me in calling out the hypocrisy of the Labour Party, which raised the issue of depopulation while supporting Brexit, aligning with the Tories and supporting restrictions on immigration, and failing to join the SNP in calling for the devolution of immigration powers so that Scotland can take all the necessary actions to address depopulation?

**The Deputy Presiding Officer:** The Deputy First Minister may respond as regards matters that are within the Government's jurisdiction.

**Shona Robison:** I absolutely agree that the Labour Party's hypocrisy is breathtaking. The Labour Party is now supporting the Brexit plans that have helped to ensure that industries across the Highlands are struggling to recruit workers, and which have had a devastating impact on our economy in the face of our not having the power over migration measures that we would want to have to help with depopulation issues. For example, our suggestions that there should be a rural visa pilot scheme had cross-party support in the chamber, but the intransigence of the UK Tory Government, which will not listen even to the most modest of suggestions, says all that there is to say

about those parties not caring about rural Scotland at all.

### **Young Persons Free Bus Travel Scheme (Social Benefit)**

**6. Gillian Mackay (Central Scotland) (Green):** To ask the First Minister what assessment the Scottish Government has made of any social benefit of extending free bus travel to all under-22s. (S6F-02641)

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I am happy to see that more than 100 million journeys have now been made by under-22s across Scotland. That scheme is making a real and positive difference to the lives of our young people and their families.

"Young Persons' Free Bus Travel Scheme—Year 1 Evaluation: Summary Report" was published today, and it shows positive progress in embedding sustainable travel behaviour in young people, opening up new social, leisure and educational opportunities, and reducing household costs to help children—in particular, those who are living in poverty.

**Gillian Mackay:** I thank the Deputy First Minister for that answer. When Scottish Green members of the Scottish Parliament first secured Government support for free bus travel for young people in 2020, we did so because we believed that it would have a transformative impact. The first evaluation report that was published today makes it clear that those benefits are now real. It is opening up our country for young people to access leisure, work, education and support; it is making a difference by allowing young people, especially young women, to travel safely at night; and it is helping young people to develop an affinity with bus travel that will last a lifetime. What more can the Scottish Government do to ensure that even more young people can secure those benefits?

**Shona Robison:** As Gillian Mackay pointed out, the evaluation shows that increased numbers of young people are travelling by bus. More than a third of cardholders who were surveyed are accessing new opportunities, and many families are reporting cost savings and reduced worry and anxiety about travel. Gillian Mackay also made an important point about bus use enabling young women to travel safely at night.

We will continue to consider what more can be done in that area. I will be happy to work with Gillian Mackay and others, as we take that forward.

**The Deputy Presiding Officer:** We move to constituency and general supplementary questions.

### Foreign, Commonwealth and Development Office (Office Closure)

**Collette Stevenson (East Kilbride) (SNP):** The United Kingdom Government has just announced the closure of its Foreign, Commonwealth and Development Office branch in East Kilbride. Following a hard-fought campaign by local workers and their trade unions, we managed to keep His Majesty's Revenue and Customs in the town. It therefore beggars belief that the UK Government will instead remove 1,000 jobs from my constituency by relocating another department. Local staff are worried about the decision, which represents a hammer blow to East Kilbride that could, according to the UK Government's own figures, cost the town's economy £30 million.

Does the Deputy First Minister agree that that represents another broken promise to my constituents from the 2014 referendum campaign? Will she set out the Scottish Government's reaction to that announcement from a department that is headed by the unelected Tory Foreign Secretary, Lord Cameron?

**Shona Robison:** I know that many FCDO staff—*[Interruption.]* It is appalling that the Tories find—*[Interruption.]*

**The Deputy Presiding Officer:** Deputy First Minister, please resume your seat. *[Interruption.]*

Members! I will not have all this argument across the chamber from sedentary positions. It is discourteous to the person who has the floor. The person who currently has the floor is the Deputy First Minister, and we must hear her response.

**Shona Robison:** I think that the people of East Kilbride will draw their own conclusions when they hear the Tories laughing about the loss of 1,000 jobs. I know that many FCDO staff who live and work in East Kilbride will be shocked and concerned by the decision to close the office at Abercrombie house, and by the disappointing way in which the UK Government chose to announce the news.

The former Foreign Secretary had promised 500 more civil service jobs at the FCDO in East Kilbride by 2025, so it is disappointing that the UK Government is now reneging on that promise to boost the local economy.

We will continue to seek clarity from the UK Government and assurances that there will be no compulsory redundancies as a result of the decision, but it is very disappointing for the people of East Kilbride.

**The Deputy Presiding Officer:** I call Jamie Halcro Johnston, who joins us online.

### School Buildings (Highland)

**Jamie Halcro Johnston (Highlands and Islands) (Con):** A motion that is before Highland Council today, in the name of my Conservative colleague Councillor Helen Crawford, highlights the poor state of many Highland schools. If it is passed, the motion will declare a state of emergency in Highland schools, call for extra resources from the Scottish Government to address the problems urgently, and invite the Cabinet Secretary for Education and Skills to come before Highland Council to listen to its concerns over funding shortfalls.

Does the Deputy First Minister and Cabinet Secretary for Finance recognise the serious situation in Highland schools and the impact that it is having on pupils, parents and staff? How will her Scottish National Party Government respond if a state of emergency is declared in schools in the SNP-led Highland Council area today?

**Shona Robison:** I will ask the education secretary to write to Jamie Halcro Johnston. In the meantime, I can tell him that, through phase 1 of our £2 billion learning estate investment programme, the Scottish Government awarded Highland Council funding of nearly £37 million towards its 3-to-18 campus project in Tain. In phase 2, we provided the council with significant funding for the Broadford primary school and Nairn academy projects. In addition, through the previous £1.8 billion schools for the future programme, we awarded the council funding of more than £63 million towards five school projects.

I will make the same point as I have made to other Tory members during this First Minister's question time. If Tory members really care about investment in our infrastructure, why are they allowing the United Kingdom Tory Government to cut our capital budgets by 10 per cent over the next five years? Perhaps they should have a word.

### Police Scotland (Mental Health Calls)

**Pauline McNeill (Glasgow) (Lab):** This week, it has been reported that Police Scotland faces a surge in mental health calls—they account for one in six calls, to be exact. I am sure that the Deputy First Minister will agree that the police do an amazing job and often deal with people who are at their lowest point.

However, many officers feel that they are filling a gap in health and social care. I have even heard that, last week, officers changed shifts because they had waited so long in an accident and emergency department. His Majesty's Inspectorate of Constabulary in Scotland's report states that there are better ways of getting people to the service than police officers staying for long periods of time. What action is the Scottish



Government taking to address police officers' time? Does the Deputy First Minister agree that the situation simply cannot continue?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I have a lot of sympathy with the point that Pauline McNeill makes. There has been a lot of work on front-line services to try to find ways of utilising the resources of our health service and our police service in a way that is more joined up. For example, I am aware of a pilot in my area where mental health nurses and police officers worked together to attend calls.

This is a serious issue. There is more to be done in the reform space on how those services work together, and I am determined to see progress being made on that. I am happy to keep Pauline McNeill updated on progress in ensuring that we support our health service and our police service to respond to calls in the most appropriate way.

#### **United Kingdom Debt (Impact on Public Services)**

**Kenneth Gibson (Cunninghame North) (SNP):** The Institute for Fiscal Studies and the Office for Budget Responsibility told the Finance and Public Administration Committee on Tuesday that interest on the United Kingdom's £2.6 trillion debt will be £22 billion higher this year than was forecast in March. It will now reach £116 billion, which equates to six times the annual budget of Scotland's national health service, or £318 million of taxpayers' money per day. Can the Deputy First Minister explain what the impact will be on public services in Scotland next year, given the UK's need to service its growing mountain of debt?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** It was an excoriating analysis of the UK Government budget by the IFS that was heard at the Finance and Public Administration Committee this week. It is eye-watering that, every day, £318 million of taxpayers' money is going to service that debt of £116 billion, which is nearly six times the entire Scottish NHS budget. That is yet another example of Tory economic incompetence impacting on Scotland's budget. That is why it is important that the IFS and others give a stark picture of what the impact of UK Tory incompetence will be on Scotland's budgets going forward.

#### **ReBlade**

**Oliver Mundell (Dumfriesshire) (Con):** South of Scotland Enterprise recently acquired land at Chapelcross, near Annan, and there has been a strong expression of interest from ReBlade—a Scotland-based company that recycles and repurposes wind turbines, which normally go to

landfill. The project is a welcome opportunity to create many new local jobs and an opportunity for the environment, and it seems a natural fit with the longer-term plans to establish a green energy park on the wider site. Will the Scottish Government get behind the plans and look to see what additional support can be offered through its agencies to get the project over the line?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** I say to Oliver Mundell that the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy will be happy to meet him to discuss that in more detail. We will make sure that that is arranged as soon as possible.

#### **Police Estate (Inverclyde)**

**Paul O'Kane (West Scotland) (Lab):** The *Greenock Telegraph* reported on Monday that Greenock police station is likely to be closed and mothballed within a matter of months. Despite reassurances that a police presence will be maintained in the area, no alternative site for the station has been proposed. Closure of the Rue End Street station could leave K division without adequate custody sites, meaning that officers must make hours-long trips to Glasgow in order to process people who are accused of crimes. That came before this morning's news that Police Scotland has confirmed plans to close 40 buildings in the estate in the coming year, which is another demonstration of the state that the Government has let the police estate fall into.

Is the Deputy First Minister proud of the condition of the police estate, which was presided over by, among others, the current First Minister when he was justice secretary? Will she give a guarantee that a proper police station will be provided to Inverclyde to ensure that local people feel safe?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** First, I say to Paul O'Kane that the police perform an essential role in keeping our communities safe, which is why, over the past year, despite the difficult financial circumstances, we have increased police funding by £80 million to £1.45 billion for 2023-24.

Decisions on Police Scotland's estates strategy are an operational matter. Police Scotland is considering properties so that it can develop modern premises that are capable of delivering effective and efficient public services to meet the needs of people and staff who use them. We will continue to support our Police Scotland services and ensure that they have an estate that is fit for purpose.

### OVO Energy (Prepayment Keys)

**Beatrice Wishart (Shetland Islands) (LD):** OVO Energy prepayment customers in Shetland were unaware of the transfer of their prepayment keys from SSE plc to OVO and discovered that their keys had stopped working earlier this month when they tried to top up at post offices. Some constituents had no electricity during a recent cold spell because they were unaware of the change. OVO says that it notified customers in November, but the volume of representations that I have received from constituents suggests otherwise. Will the Deputy First Minister join me in urging OVO to get its act together and ensure that no household is left without electricity at any time, especially in the run-up to and over the festive season?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** Although energy regulation is reserved, I join Beatrice Wishart in urging OVO to get its act together. As she puts it, the situation sounds like poor customer service at the very least. We would not want anyone to be left without power in the middle of winter. I am happy to join Beatrice Wishart in her call for OVO to get that sorted.

**The Deputy Presiding Officer:** That concludes First Minister's questions. There will be a short suspension to allow the public gallery to clear before we move to the next item of business.

12:46

*Meeting suspended.*

12:47

*On resuming—*

### Antisocial Behaviour on Buses

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-11294, in the name of Graham Simpson, on antisocial behaviour on buses. The debate will be concluded without any questions being put. I invite members who wish to participate to press their request-to-speak button now.

*Motion debated,*

That the Parliament notes with concern reports of antisocial behaviour on buses and by those using buses throughout Scotland; acknowledges reports that people travelling using the national Young Persons' (Under 22s) Free Bus Travel scheme have been responsible for incidents that have led to buses being withdrawn, or diverted, and notes the calls for perpetrators to have their entitlement to free travel under the scheme removed.

12:48

**Graham Simpson (Central Scotland) (Con):** I thank all the members who signed the motion and look forward to hearing all the contributions.

We are having this debate on the day that the Government has issued its evaluation report into the first year of free bus travel for under-22s. Unfortunately, the end of that year was nearly a year ago, so the report is somewhat out of date. However, we should be clear that the scheme has been a success. As we heard earlier, more than 100 million journeys have been taken using it.

Parliament was and is united over the scheme. It is a good thing to encourage young people to use public transport. It is a good thing to help them get to school, college, university and work. If nothing else, it gets them into the habit of using a bus. We hope that they continue to do so once they have to pay. The Conservatives' view is that, when they have to pay, fares should be cheaper, with a cap on how much people pay, and that payment should be simpler.

Although the free bus travel scheme for under-22s has been a success overall, there have been issues with a minority—I emphasise that it is a minority—of the young people who use it. You would expect that. Not everyone knows how to behave, and today's report recognises that. In focus group discussions, there was evidence that 90 per cent of respondents who experienced antisocial behaviour experienced excessive loud shouting and/or swearing, and that 67 per cent of respondents who experienced antisocial behaviour experienced people under the influence of alcohol or drugs.

We know that bus operators have reported issues that include physical and verbal assaults on drivers, physical and verbal assaults and threatening behaviour towards other passengers, broken windows, emergency doors being opened and damaged and vandalised buses. Damage and vandalism result in increased costs to operators, with vehicles being taken off the road for repairs. Passengers and potential passengers may be deterred from travelling by bus and, at a time when driver recruitment remains a key industry challenge, it could contribute to people leaving the industry or not joining it at all.

In addition to incidents on board buses, there is a perception that the scheme may have also contributed to increased antisocial behaviour in and around bus stations or in other locations such as shopping centres. The Scottish Government's "Behaviour in Scottish schools: research report 2023" states:

"The ability of young people to travel for free on buses had, in some cases, led to young people travelling to other areas of the city to take part in fights or meeting up on buses and engaging in anti-social behaviour. LA representatives also raised safeguarding concerns that young people may be travelling far from their homes to meet with people without their parents' knowledge."

I am aware of a recent briefing for elected members in Edinburgh in which they heard of teenagers from Motherwell, Glasgow, Inverness and Fife who had been travelling to the capital to carry out antisocial behaviour using their under-22 free bus passes. Business owners, retail staff, shoppers and residents in Bruntsfield and Morningside have experienced vandalism, theft, intimidation and physical and verbal abuse. In the capital, during operation Crackle, between 3 and 5 November, Lothian Buses suffered £1,700 worth of broken windows, in just three days. Earlier this year, in Livingston, councillors claimed that the under-22 free bus pass scheme had fuelled a rise in disorder, with young people travelling to the town centre from Edinburgh and Fife intent on causing trouble. They say that it has been a particular problem on Friday afternoons, when schools have finished early.

There have also been reported issues elsewhere. The boss of the Overgate shopping centre in Dundee said that youths travelling in from outside had caused mayhem. The shopping centre suffered £80,000 of damage in 18 months. I have seen a shocking video of an horrific attack on a bus passenger in Prestwick, in which he was dragged off the bus and kicked and punched to the ground.

The issue has also been raised by other members in the chamber. In October last year, Willie Coffey raised an attack on a 14-year-old boy in Kilmarnock. The then Cabinet Secretary for

Justice and Veterans, Keith Brown, said at the time:

"The Scottish Government is, of course, open to considering all options for tackling antisocial behaviour. For example, I will raise the issue with those who are responsible for the bus pass scheme, to gather views on whether the option of withdrawing bus passes, which has been mentioned elsewhere, might present a solution."— [Official Report, 26 October 2022; c 19-20.]

Of course, nothing has happened, and that can have serious consequences for communities.

We have seen bus companies, quite understandably, removing services altogether. In Edinburgh, all services were removed for a night in 2021, which had the desired effect for a while—but only for a while. The Government's argument—we will hear from the minister at the end—is that it is too difficult to remove the free travel element from the national entitlement card.

However, under the National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021, ministers can

"withdraw or suspend a travel card"

if a holder allows someone else to use it or

"in such other circumstances as they may determine."

I would have thought that committing antisocial behaviour while on a bus or after having used a bus could fall into that category. Abuse it and you should lose it.

The minister should not rule out taking action. That does not have to mean a permanent ban. She could consider suspension—members should remember that that is in the order—or perhaps a curfew. Other members may well touch on those ideas.

Some bus companies and drivers have simply given up on recording data. Lothian Buses keeps figures, which show that there has been a significant increase in antisocial behaviour since the introduction of the scheme. It is at record levels throughout the country. Operators have reported staff being assaulted, drivers being spat on, physical assaults and racial harassment. Bus companies, their staff and passengers should not have to tolerate that. If the culprits hold a free travel card, they are abusing a privilege that is paid for by the taxpayer, and that should not continue.

12:56

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I, too, welcome this debate. The issue is a very serious one that we should be discussing together, building on an important debate a number of weeks ago on considerations around antisocial behaviour in our schools.

I recognise the problem from my casework and my engagement with Lothian Buses, which is headquartered in Annandale Street in my constituency. Members may be aware that I very often take buses and other public transport. That also applies to ScotRail services for longer trips out of the city. In recent months and years, I have seen antisocial behaviour on our buses and trains, including lots of noise; feet on seats; people eating food that has odours that are not pleasant to be around; people leaving litter; people listening to music or watching television on their mobile devices without headphones; people under the influence and behaving in a way that is not respectful to those around them; and intimidation of others.

Over that time, I have seen such behaviour from a lot of people over the age of 22. I make that point because, without discounting the concerns that we have collectively in our constituencies and regions about antisocial behaviour by a minority of young people, I think that, in our country, particularly post-pandemic, there is a wider consideration that we need to think about together. We need to think carefully about solutions and behaviour change with regard to antisocial behaviour more generally. Examples that involve a minority of young people on our public transport who on occasion engage in antisocial behaviour are reported, but we collectively, as a Parliament, need to focus on antisocial behaviour more widely, the concerning increase in that behaviour, and what solutions might make a difference.

If we are going to consider the potential removal or temporary suspension of entitlement to travel cards for young people, it would be right to do so only if that also applied to people of other ages who use our public transport and have entitlement. We cannot single out young people. Although we might want to think about those solutions and keep them under review, there are wider and deeper questions that we need to ask ourselves about support for our young people, ensuring that there is adequate youth work provision, helping our young people to engage in better behaviour, and how we engage role models and popular culture to help us to encourage young people to do what the majority of young people do, which is contribute positively to society and be respectful of those around them.

This is an important debate, but let us not single out our young people. Let us keep the matter under review and think carefully about how we can make a positive difference, and let us remember the good behaviour of the majority of young people.

13:00

**Sue Webber (Lothian) (Con):** It does not come as any surprise to see so many Lothian MSPs here today. We have the best bus service, I think, which is the envy of many across the country, but there are serious issues.

To address Mr Macpherson's point quickly, I, too, get the bus regularly and, on Tuesday night, I was subject to what I would call antisocial behaviour targeted at me by an elderly man, who started harassing me by blowing kisses towards me and making all sorts of noises. Frankly, I did not quite know what to do, so I put my headphones on and just kept my head down. There needs to be something that all of us can do when such things happen. I thank my colleague Graham Simpson for bringing the debate to Parliament.

I spoke about what I was subjected to this week but, a number of years ago, I got on a bus on Princes Street where, quite reasonably, there were a number of youths, but they made me feel intimidated. This was on the first floor of a double decker—or the ground floor; I do not know what you call it. They were vaping quite publicly in front of people, and the bus was packed, because it was Christmas time. I asked them to stop and they proceeded to make a big show of inhaling the vapour, puffing it in my face and saying that I was exactly the sort of person who is a Karen.

Drivers and passengers on Lothian Buses should not have to endure abuse from disrespectful and intimidating youths, and we can see how such incidents could easily turn into something more serious. I was concerned about making sure that those youths got off the bus before I did, because I did not want to get off the bus and have them follow me. It was a very scary incident.

We have heard that teenagers from other parts of Scotland are using their free bus passes to come to Edinburgh to cause trouble. Police officers have recently attended a meeting with retailers in the south-west of Edinburgh to discuss a spate of antisocial behaviour in the area, and they have said that individuals are coming to the capital from Motherwell, Glasgow and Inverness, as Mr Simpson said, causing problems, criminality and antisocial behaviour. They are using their bus passes, whereas that did not happen before, because they did not have the means to get here. Unfortunately, the police said that there was nothing more that they could do to stop them.

I have heard similar concerns from two of my council colleagues in Edinburgh, who have raised concerns about youths coming to the Craighleith retail park and to Stockbridge from across the city and further afield to cause trouble. Those incidents

are often organised on social media apps such as Snapchat, and the parents do not know where their children have been or where they are going.

We also heard from Graham Simpson about the situation in West Lothian, where youths were using their bus passes to go from Edinburgh and Fife to Livingston town centre. Ultimately, the centre there was closed on Friday afternoons to anyone under the age of 18, if I recall correctly. That is not where we want to be, because there are so many young people who are not abusing their bus passes. That sort of blanket ban is not helpful for anyone.

In Edinburgh, in October, several buses were forced to divert from a very busy neighbourhood. The buses were unable to serve Niddrie Mains Road and Peffermill Road for nearly two hours on a Saturday night. Imagine the impact across the entire community, on people of all ages, including those who are vulnerable and who rely on public transport in Edinburgh, which is critical to how we all get around the city. Lothian Buses has said that it has

“a zero tolerance approach to antisocial behaviour”

and that it

“will not hesitate to remove services from particular areas for a period of time if necessary to keep our colleagues and customers safe”,

but customers are then not able to use the services. There needs to be another way to tackle the issue.

I am conscious of time, so I will cut to the end. I am a bit of a believer in a curfew. We have young people who use the buses—in Edinburgh, they are Lothian Buses—to get to school, jobs and colleges, and I think that a curfew is the answer, rather than a cull or a ban, because we need those young people to get to school and take part in education and employment.

13:04

**Daniel Johnson (Edinburgh Southern) (Lab):**

I apologise to the Deputy Presiding Officer and members in the chamber, as I will need to leave the debate early because a group of young people is waiting for me. I assure everyone that they are not caught up in any antisocial behaviour; they are very conscientious modern studies pupils.

I thank Graham Simpson for securing the debate and the members who have spoken in it. We have the usual band of suspects calmly and unflinchingly looking at the problem, which is exactly the approach that is required. It does no service to anyone to be histrionic or alarmist about the problem, nor does it do anyone any good if we do not examine in a calm manner what is going on and what we might be able to do about it. I have

heard that reflected in the debate so far, which is encouraging.

We need to do a few things. We need to be clear about the problem, think about our options for dealing with it and look at who might be involved. Most importantly, however, elements of the problem are not new, as Ben Macpherson alluded to. I remember there being antisocial behaviour when I was a teenager—people smoking at the back of the bus, swearing and drawing graffiti; those sorts of things. Those are perennial problems and they are not confined only to young people. It strikes me, though, that there is an emerging problem.

Graham Simpson is right: first and foremost, we have to say that free bus travel for young people is, undoubtedly, a good thing and is empowering, but it has also led to the phenomenon of young people travelling far and wide in order to carry out antisocial behaviour. We should be clear that that does not mean that a large proportion of young people are involved; it is a small group of people. When I talk to the police, they say that such groups are measured in the dozens. As Sue Webber pointed out, that leads to consequences that impact everyone, such as bus routes being closed and under-18s being banned from leisure venues such as bowling alleys, which causes real issues in local areas. That is why I have held one meeting with the police and another with local retailers in my constituency about the problem.

It is a complex problem, and we need to look at the options for dealing with it. One issue is how the use of bus passes interacts with social media. I believe that we have to couple rights with responsibilities. It would be interesting to peel that principle apart. It might be possible to address the issue through curfews and the temporary withdrawal of bus passes. I agree that we do not want to make the situation worse by punishing people and tipping them into patterns of behaviour that might exacerbate the problem. Nonetheless, we should think about the consequences separately, because the principle is separate from the practicalities. I recognise that the two are not necessarily the same. It would be interesting to hear the minister's views on that.

We also need to look at the broader issues. There is the issue of the balance of policing between response officers, community officers and specialist centralised divisions. More broadly, I am keen to look at what we can do to expand the range of non-criminal interventions. I am not a fan of criminalising people, but I am keen to look at what we could do that might deter and inconvenience them, by creating consequences for unacceptable behaviour.

Ben Macpherson made the point that such behaviour is part of a wider societal problem of

antisocial behaviour. The problem is not confined to bus travel; retail crime and violence against retail workers are other issues. Antisocial and, at times, violent behaviour is a spiralling issue that we all need to take seriously.

Once again, I thank the Deputy Presiding Officer for his forbearance in allowing me to leave the chamber early.

**The Deputy Presiding Officer:** I am sure that the modern studies pupils will be grateful for the collective character reference that you put on the record. [*Laughter.*]

13:09

**Sharon Dowey (South Scotland) (Con):** I thank my colleague Graham Simpson for raising such an important issue for debate. There is no doubt that antisocial behaviour on buses has increased dramatically since the free bus travel scheme was introduced. That has been an issue locally in my region, where a community council contacted the Minister for Transport on behalf of the residents of Dundonald in South Ayrshire. Local people said:

“our village has seen a dramatic rise in youth disorder with several residents being attacked, fires being raised and many residents, some elderly and some disabled, being verbally abused and threatened by groups of youths.”

They added:

“Evidence from our area would suggest that there is a direct correlation in the rise of youth disorder and free bus travel.”

I am sure that MSPs across the chamber have similar examples from their areas of physical assaults, verbal abuse, threatening behaviour, broken windows and vandalism. In each case, there is strong evidence of a link to the free bus travel scheme.

We do not know the full extent of the problem because the Scottish National Party Government does not appear to collect the data. In responses to parliamentary questions, I have been told that it collects only general crime statistics and that an evaluation of the scheme will consider the impact of antisocial behaviour. However, the Confederation of Passenger Transport Scotland, which is the trade association for the bus and coach sectors, has confirmed that

“there is no currently official data set to capture incidents of antisocial behaviour on buses.”

The Scottish Government must gain a better understanding of the problems that relate to the scheme. The SNP does not seem to want the true extent of antisocial behaviour to be uncovered, but we know that it is happening.

The Government’s “Behaviour in Scottish Schools 2023” report said:

“The ability of young people to travel for free on buses had, in some cases, led to young people traveling to other areas of the city to take part in fights or meeting up on buses and engaging in anti-social behaviour.”

We know that the Government has not acted to stop such incidents. It seems to be saying that it is powerless to prevent such crimes. Despite all the evidence of antisocial behaviour, despite the increasing costs to bus operators, despite the buses that have been taken off the roads, despite passengers being driven away from services and despite drivers being attacked—despite all that—the SNP is still not taking the issue seriously enough. It has stalled and delayed instead of finding a way to withdraw access to the scheme from the minority of people who abuse it.

I thank my colleague Graham Simpson for raising awareness of the issue. It is up to the SNP Government to act on what it has heard today.

13:12

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I apologise to members because I did not intend to speak today, but I felt compelled to contribute after hearing Graham Simpson’s completely unbalanced speech, which was backed by his colleagues, although the speeches from Ben Macpherson and Daniel Johnson were completely different.

It is fair to say that the behaviour that Mr Simpson described is not tolerable and that we should, of course, do something about it. However, Ben Macpherson is right that that behaviour is not confined to our young people—as Daniel Johnson said, such behaviour on buses and other public transport has been inherent in Scotland, and probably worldwide, for a long time.

I had expected Graham Simpson’s speech to be more balanced. I am contributing because he completely vilified and generalised about an already marginalised group in society that is without a voice—our young people.

**Graham Simpson:** I was very clear, as were other speakers, that we are talking about only a very small minority of people abusing the scheme. We have been very clear about that. I agree with Ben Macpherson that antisocial behaviour is not confined to young people and occurs among older people, too. I made those points in my speech, which was not unbalanced.

**The Deputy Presiding Officer:** I can give Fulton MacGregor the time back for that intervention.

**Fulton MacGregor:** I accept what Mr Simpson said, but I do not think that he was very clear. I wonder what young people and organisations that support them might have thought. Mr Simpson

might have said that we are talking about a minority, but I will develop my point about why he was not clear.

Antisocial behaviour is on the rise, as has been discussed, but that indicates that there are bigger issues in our society. My experience from my previous job before becoming an MSP tells me that, nine times out of 10, the root cause of such societal disorder is the poverty that has been caused by Mr Simpson's United Kingdom Government. He did not mention that. Had he done so, I would not be speaking in the debate. There is a sense of hopelessness and helplessness among our young people. That does not excuse antisocial behaviour—I have said that, and I am happy to go back to that, but if we are going to have a conversation on this topic, it cannot be devoid of that point.

When Covid is added to the mix, we see that we have not experienced anything like this group of young people have. We would probably have to go back to the second world war to find a generation that has experienced such disruption to their lives, but there was no mention of that from Mr Simpson, which is why I said that he has not been clear. Had he brought in those factors, I would have thought, "Okay, it is something that he is quite passionate about, but he has made reference to those factors."

Any actions that we take as a Government or a society must have solutions in mind. We must think about what our young people can do and what they can invest in, because they have absolutely nothing just now. Youth work is one answer. I know that that is not in Fiona Hyslop's portfolio, but I will take the opportunity to say that youth work has to be looked at as a possible solution in the upcoming budget. We could enhance youth work services, because when youth work is done well, it keeps young people away from getting involved in bother.

I put my money where my mouth is. I have been contacted by supermarkets in my constituency that experience antisocial behaviour. It is not the same behaviour that happens on buses—I agree—but it is still antisocial behaviour. I have called meetings for early in the new year, but I have been very clear when bringing in agencies and organisations that the meetings will not vilify young people.

**Sue Webber:** Will the member take an intervention?

**Fulton MacGregor:** I am almost out of time—sorry.

We have to find solutions. Councils and other people need to find solutions for our young people. As I said, I did not intend to speak, but I am glad that I have, because it is important that young people's voices are heard in this Parliament. I

accept that Ben Macpherson and Daniel Johnson made that point, but I had already pressed my request-to-speak button by that point. It is important that we view the issue in the context that it deserves, because it is a serious problem. Folk should not need to put up with such issues on public transport, but we need to view it in the round, and young people's voices need to be heard, too.

13:17

**Alexander Burnett (Aberdeenshire West)**

**(Con):** As other members have said, many of us have heard about examples in our constituencies of young people travelling around to cause havoc under the Scottish Government's free bus travel scheme for those aged under 22. I recognise, as my colleagues have, that we are talking about a minority of young people. We accept that the behaviour is not confined to young people, and we are looking to find remedies to manage the behaviour of a minority of people. We are not talking about the wider benefits for young people that the scheme has brought.

I wish to raise only one point; I recently wrote to the cabinet secretary detailing a recent incident at Deeside Rugby Football Club, in which I have long had an interest. A group of teenagers had travelled out from Aberdeen, taking advantage of the SNP's free bus travel scheme, but with no productive or beneficial purpose in mind. They barged into the clubhouse, banged on the windows and threw insults at members. They moved on to other facilities in the area, including the church, and were clearly intent only on a trouble-making spree.

Due to social media trends, there is an increase in such behaviour, and a minority of young people are travelling simply to cause carnage in areas that they previously could not access. That is all happening at the same time as our rural communities are being disadvantaged by low police numbers and station closures. Police officers across the north-east are stretched thin enough and simply do not have the resources to respond to those vandals, who are out only to cause disruption and havoc.

I join my colleagues in asking the Scottish Government what repercussions it will put in place to deter the rising trend in antisocial behaviour by a small minority, and what it will do to support Police Scotland to keep our communities safe from that kind of behaviour.

13:19

**The Minister for Transport (Fiona Hyslop):** I also thank Graham Simpson for bringing the debate to the chamber, and I thank everyone who

has taken part for their very thoughtful contributions. I appreciate members' support for the very popular and much-used policy of free bus travel for under-22s. I will be very clear at the outset that the vast majority of young people use their free bus pass travel responsibly.

I will start by outlining the very important benefits that the young persons free bus travel scheme is delivering. This morning, I visited Wester Hailes high school to celebrate more than 100 million bus journeys having been made through the scheme since its launch. I had the pleasure of hearing directly from young people about how free bus travel is opening doors for them, helping their families to save money and embedding sustainable travel choices for the next generation. Those young pupils told me that they could go to more sports training sessions and improve performance, get part-time jobs and visit family members, including their grandparents, more often.

Today sees the publication of the evaluation of the scheme, which shows that it is reducing travel costs, encouraging a shift towards public transport from private car use, and improving access to social, leisure, education and employment opportunities. That is encouraging and important progress during the cost of living crisis and the global climate emergency. I am sure that members will all join me in encouraging young people across Scotland who have not yet applied to do so now, and to join the more than 700,000 under-22s who are already benefiting.

Although it is important to remember that the vast majority of young people are using the scheme appropriately, it is not my intention to minimise the concerns that are being raised today, which deserve attention and collective action. Antisocial behaviour is unacceptable in all contexts. I am grateful to members for sharing how their constituents have been impacted, and I note the number of Edinburgh and Lothian MSPs who have spoken today. Everyone has the right to travel safely, and I recognise some of the issues that members have spoken about, which involve unacceptable behaviour by a minority in our society. I think that it was appropriate that Fulton MacGregor tried to address the issues that underlie antisocial behaviour; his was a considered contribution.

The Scottish Government is committed to tackling all antisocial behaviour. We want everyone to be and to feel safe in their community, but no single approach will tackle every incident. That is why we support a range of options, which includes a strong focus on positive diversionary and early intervention activities, as appropriate, alongside use of formal warnings, fixed-penalty notices and antisocial behaviour orders.

However, we must remember that the police, local authorities and other local agencies are responsible for tackling antisocial behaviour at the local level, through working with communities, including young people and their carers. Partnership working among the agencies can be very successful in tackling incidents involving buses.

An example of that is the effective work to tackle antisocial behaviour in Kilmarnock bus station through on-going collaboration between the local council and the health and social care partnership. East Ayrshire Council's youth action team continues to engage with young people, and a multi-agency resilience group meets fortnightly to monitor intelligence and community concerns regarding the bus station and the town centre. I am reassured that that approach continues to support safety in the local community.

Although the young persons free bus travel scheme changes how travel is paid for, it does not affect operators' conditions of carriage, which all passengers must follow. I encourage anyone who witnesses antisocial behaviour to notify bus operators or their local council's antisocial behaviour team and, of course, to report all criminal behaviour to Police Scotland.

We all agree that there is no easy solution that will reduce the number of incidents of the type that we have heard about today. Members have raised the possibility of removing national entitlement cards from young people who are implicated in antisocial behaviour. However, free bus travel is just one of several services that are provided through the card.

There is also a real issue in respect of how and when entitlement would be removed, and I do not believe that it would be appropriate for our bus drivers to do that. I assure members that I have asked officials to look at what temporary digital blocking measures could be used, but I understand that that would require police time and co-operation on identification of offending individuals, increased administrative time and expertise, and technological fixes that are not yet apparent.

Nonetheless, I undertake to advise members what might be possible, but I also—to emphasise Ben Macpherson's point—want to be clear that it would not be age specific, because antisocial behaviour occurs in the population generally.

In addition, the legislation underpinning the current national concession travel scheme does not provide a clear mechanism for consideration of removal of travel cards for antisocial behaviour. It states that Scottish ministers may withdraw or suspend a travel card



“if an eligible person of any age knowingly allows their travel card to be used by another person”

or

“in such other circumstances as they may determine”

as Graham Simpson said.

It is required that each case be considered on its own merits, but given the nature of the scheme and the original purpose of the powers, which did not include dealing with antisocial behaviour, there will be limits to what can be done. Again, police time and co-operation would be required, and there might be complex interactions with other agencies and frameworks that are specifically tasked with dealing with antisocial conduct. I will continue to look at what might be possible and appropriate in providing a deterrent or sanction, including looking into some of the suggestions that have been made by colleagues.

**Graham Simpson:** I welcome the minister saying that she commits to looking at the matter and coming back to Parliament, or to having discussions in the same manner in which the debate has been conducted.

**Fiona Hyslop:** I have been looking at the matter, which is why I am relaying that to Parliament today. I recognise that there will be ongoing interest in the subject.

We will not succeed in reducing antisocial behaviour by focusing on bus-related incidents and neglecting the root causes. During the past year, the Scottish Government and the Scottish Community Safety Network engaged nationally to build a robust picture of antisocial behaviour. The findings from that—“Reviewing Scotland’s Approach to Antisocial Behaviour”—were published on 7 November. The review recommends focus on prevention through a long-term sustainable strategic approach. An independent working group on antisocial behaviour has been set up and will report to ministers by the end of 2024. Transport Scotland will engage closely with that group.

Last week, I took part in 16 days of activism against gender-based violence with a workshop on women and girls’ safety on public transport. Together with more than 40 stakeholders, we discussed making improvements for women and girls.

I thank everyone for their valuable contributions. I assure members that the Government and its partners are working to tackle the issues that have been raised. The findings of the young person’s free bus travel scheme that were published today will inform that. I will work with bus operators and other key partners to ensure that negative behaviour does not overshadow the truly transformative impact that free bus travel is having

and will continue to have. As the young people at Wester Hailes high school said to me today, it gives them more chances, more choices and more opportunities, and it helps to change lives. Let us ensure that the experience of the majority is not harmed by the experience of the very small minority.

**The Deputy Presiding Officer:** That concludes the debate.

13:27

*Meeting suspended.*

14:30

*On resuming—*

## Portfolio Question Time

### Net Zero and Just Transition

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The next item of business is portfolio question time. I remind members who wish to ask a supplementary question to press their request-to-speak button or enter RTS in the chat function if they are online, during the relevant question.

#### Public Transport (Festive Season)

**1. Kaukab Stewart (Glasgow Kelvin) (SNP):** To ask the Scottish Government what discussions it has had with local authorities regarding promoting the use of public transport services throughout the festive season. (S6O-02878)

**The Minister for Transport (Fiona Hyslop):** The Scottish Government and officials at Transport Scotland engage with local authorities and regional transport partnerships regularly to promote the use of public transport throughout the year. I am pleased that, during the festive season, passengers of publicly owned ScotRail are enjoying extra late-night services in the lead-up to Christmas and additional carriages on busy services, as well as an expanded boxing day service, which will—for the first time—cover Fife, Perth and Stirling. The majority of bus services in Scotland are operated on a commercial basis by private companies and, as such, the promotion of those services is a matter for individual operators to consider. However, we are aware that bus operators run seasonal timetables.

**Kaukab Stewart:** The festive season is an extremely busy period for Glasgow city centre, with people flocking from all over to enjoy our local hospitality and retail businesses. Glasgow City Council, Glasgow Bus Alliance, Glasgow Taxis, the night-time economy network, Strathclyde Partnership for Transport and ScotRail have teamed up to launch the choose public transport campaign. Does the minister welcome the campaign, and agree that choosing public transport during this busy period will free up travel routes, avoid congestion and cut down on travel frustration at what can be a very stressful time of year?

**Fiona Hyslop:** I welcome the Glasgow choose public transport campaign, which shows how collaborative work between all public transport operators can send a strong message to encourage people in Scotland to switch from the car to public transport. I am especially pleased

that ScotRail has not only joined the campaign but is using all its available digital channels, including various social media, to promote public transport during the festive season.

#### Bus Infrastructure (Aberdeen)

**2. Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government how it is supporting Aberdeen's journey to net zero through investment in bus infrastructure. (S6O-02879)

**The Minister for Transport (Fiona Hyslop):** We are supporting Aberdeen's journey to net zero through investment in bus infrastructure, including from our bus partnership fund, with up to £12.2 million awarded to the north-east bus alliance to date. That has enabled work to begin on the development of the rapid transit system and on bus priority measures in key transport corridors and in the city centre. We have also supported the acquisition of 59 battery electric buses and 25 hydrogen buses and their supporting infrastructure to operate in the city.

**Jackie Dunbar:** Aberdeen rapid transit is a key transformational project to put in place a cross-city route of bus priority measures in order to provide fast, reliable, accessible transport from my Aberdeen Donside constituency to the city centre. Similar to Edinburgh's tram network, it is a key measure to improve journey times and air quality throughout the city. Will the minister provide an update on any recent engagement that Transport Scotland has undertaken with Aberdeen City Council and the North East of Scotland Transport Partnership on that infrastructure project?

**Fiona Hyslop:** As I have just mentioned, we are funding the development of the Aberdeen rapid transit strategic case through Transport Scotland's bus partnership fund. As such, Transport Scotland maintains regular engagement with the north-east bus alliance, and it previously met Aberdeen City Council and Nestrans officials to discuss the development of their strategic business case in September. A further meeting between officials is scheduled to take place next week.

I was pleased to see first hand, during my October visit to Aberdeen, how the bus gates in the city centre are already delivering for the millions of bus passengers who travel through the city every year. During my visit, I met the leaders of the council and members of the partnership, who presented to me the progress that has been made with the city centre master plan since 2015. That included presentations on the city centre and the South College Street bus partnership fund projects, as well as on the Aberdeen rapid transport and on-going corridor studies.

**Douglas Lumsden (North East Scotland) (Con):** The new bus gates in Aberdeen, which

were sneaked through using an experimental traffic regulation order, have made a complete dog's dinner of Aberdeen city centre and have been a disaster for businesses, with many people now avoiding the city centre altogether. Does the minister agree that a huge change such as that should be done properly, with full consultation, taking businesses and citizens with us, and that the local authority should not ruin people's livelihoods simply as part of an experiment?

**Fiona Hyslop:** Douglas Lumsden has expressed his own views, but it is quite clear that the process was carried out properly and in a transparent way. Indeed, traffic orders are precisely the way in which local government makes changes, as he will know, as a former councillor.

Early operational feedback shows that bus journey times have been reduced by 25 per cent as a direct result of the bus gates in Aberdeen city centre. In the past 12 weeks, more than a million passenger journeys by bus have been quicker and more reliable, and the two main operators in the city—Stagecoach and First—are reporting passenger number increases of 5 per cent and 10 per cent. That looks like the successful delivery of a plan to improve transport in the city of Aberdeen.

### National Smart Ticketing Scheme

**3. Graham Simpson (Central Scotland) (Con):** To ask the Scottish Government, following the first meeting of the National Smart Ticketing Advisory Board, what progress has been made towards introducing a national smart ticketing scheme. (S6O-02880)

**The Minister for Transport (Fiona Hyslop):** The first meeting of the national smart ticketing advisory board, which includes a number of transport industry operators, was held on 28 November.

I have charged board members with advising me on how Scotland can collaboratively improve smart ticketing consistency, accessibility and integration between modes and regions, and to identify the best technological standard for schemes in Scotland. They will report in six months outlining how they will do that, building on the many operations that are available currently or due shortly. The plan will look to build on the successful collaborative national smart ticketing enhancements that have been made to date. For example, universal smart cards are now accepted across all modes and 98 per cent of Scotland's buses now accept contactless payments.

**Graham Simpson:** The Scottish Government has been talking about having a national smart card for well over a decade. In Ireland, they have had one since 2011. The Transport for Ireland

Leap card—I have one here—covers multiple operators and offers capping and smart discount features. The 5 millionth card was sold more than two years ago. This is doable and we should get on with it. How long has the minister given the board to complete all its work? I accept that there will be an update in six months, but what is the final deadline for its work?

**Fiona Hyslop:** I expect to get the operational plan for delivery in the next six months. I emphasise that, rather than having a national smart ticketing scheme, Scotland already uses a single smart card platform, which hosts regional ticketing schemes across Scotland and is compatible with 2.5 million smart cards that are in circulation in Scotland currently. It can be used for both concession and commercial smart tickets, and it is available for use on buses, rail, trams, subways, some ferries and domestic air travel. However, I recognise the point that Graham Simpson is making about how we ensure that that can work on a national basis like in smart, independent Ireland.

**John Mason (Glasgow Shettleston) (SNP):** As the minister says, contactless payment is available on most buses now, and smart cards can be used across different operators. Is she optimistic that bus patronage will perhaps increase through easier ticketing?

**Fiona Hyslop:** Those initiatives were introduced before and during the pandemic. It is difficult to isolate their impact on bus patronage because of the on-going impact of Covid on travel and, in particular, on reduced bus travel.

We meet bus operators regularly to understand the initiatives' performance. They report that contactless payments generally make up the vast majority of sales, and some operators only see cash payments of less than 10 per cent. Support for that comes from the smart pay grant fund that the Scottish Government introduced to help more than 10 million contactless payments be made since 2018.

On the point about whether contactless payment encourages people, I think that it can and will. All that I am saying is that that is difficult to measure due to the comparability of data, particularly for buses, because of the Covid period.

**The Deputy Presiding Officer:** Question 4 was not lodged.

### United Nations Climate Change Conference

**5. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government what conclusions it has drawn following COP28, including what has been learned as a result of the conference. (S6O-02882)

**The Cabinet Secretary for Transport, Net Zero and Just Transition (Màiri McAllan):** The 28th United Nations climate change conference of the parties has now concluded, notably with a \$700 million landmark loss and damage fund and a pledge to transition away from fossil fuels in our energy systems in a just, orderly and equitable manner. Those are exceptionally hard-fought and historic agreements, and I pay tribute to everyone who campaigned so determinedly for that progress. It was disappointing that there was not a stronger resolution committing to a phase-out of all unabated fossil fuels, but we must now all work together to keep global warming below 1.5°C in the terms that were agreed.

The First Minister and I met global south partners and participated in many engagements that urge ambition in tackling climate change. We will publish a report of our achievements at COP28 in due course.

**Colin Beattie:** Despite noise from Westminster, Scotland has shown itself willing and able to engage positively with the international community regarding the existential crisis that is climate change. How does the Government intend to ensure that Scotland's voice is heard internationally and that the views of this country on climate and nature are not mistaken for the embarrassing intransigence of the Westminster parties?

**Màiri McAllan:** Colin Beattie is absolutely right. The Scottish Government, and Scotland generally, are held in very high esteem on the world stage with regard to our climate change plans, our actions, Scotland's renewable abundance and our commitment to climate justice, human rights and international co-operation. We can make a significant difference. The £2 million that Scotland pledged at COP26 for loss and damage, which helped to break a 30-year impasse on that important funding, has now reached more than \$700 million, which demonstrates what small countries can do when they apply themselves. By engaging positively and at an international level, we will ensure that Scotland's voice continues to be heard. I will not only do that but I will seek to elevate the voices of other people who are too infrequently heard, be they women, young people or people from the global south.

**The Deputy Presiding Officer:** I have three members seeking to ask a supplementary question. I intend to take all three.

**Brian Whittle (South Scotland) (Con):** At COP28, we saw a declaration by 24 countries, including the United States, the United Kingdom, Sweden, Finland and the Netherlands, to triple nuclear power capacity by 2050. That was discussed recently in Parliament. Has the Scottish Government completed any modelling on investing

in nuclear as part of a mix of renewables to support other net zero policy aims, including district heat networks?

**Màiri McAllan:** Brian Whittle will know that the Government's policy is of no support for nuclear, under current technologies. We consider that nuclear never presents value for money to bill payers nor to our environment. Instead, our focus—domestically, certainly—is on a future energy system that is balanced across storage and unleashing the exceptional renewables potential that I referred to in my first answer.

**Sarah Boyack (Lothian) (Lab):** Given the commitment to the just transition that the cabinet secretary has rightly made, will she tell us what the Scottish Government will do to ramp up activity so that we have a just transition for households that are currently living in damp, inefficient homes? We are seeing energy and heat going through the walls and roofs of those houses. What will the Scottish Government do in practice to tackle that just transition, when we have the climate crisis and the cost of living crisis?

**Màiri McAllan:** One of the most tangible and practical examples that I can point to is the heat in buildings bill, the consultation on which the Scottish Government has just opened, in concert with my colleague Patrick Harvie. The bill will look to regulate not only energy efficiency in Scotland's homes but energy systems. We know that energy efficiency, although often overlooked, is one of the most important ways that we can support households to lower bills and have warmer homes. Coupled with changes to the way that we heat our homes, in the name of climate change, the bill presents a very ambitious approach to decarbonising our buildings. I assure Sarah Boyack and the chamber that it, and all our climate measures, will be taken hand in hand with our communities.

**Willie Rennie (North East Fife) (LD):** When the cabinet secretary was meeting world leaders, did she tell them about her Government's home energy scheme and that only 164 heat pumps have been installed in the first seven months of the programme, that it takes an age to get any money or grants out of Home Energy Scotland, and that many households just give up because it takes so long to get the money? Did she tell the world leaders that, and did she tell them how she was going to fix it?

**Màiri McAllan:** I did not need to narrate to world leaders what Willie Rennie has said, because more often than not, world leaders are approaching the Scottish Government and asking for our advice on how we have managed to lead the way so successfully on a number of fronts. Although, in a process such as the decarbonisation of buildings, which is vast and

complicated, there will always be issues to overcome, and the Scottish Government will always seek to do that, including by supporting Home Energy Scotland to support people on the ground. Willie Rennie's narrative does not support what I see in the role that I am privileged to hold in Government, nor what I see in my constituency, where many constituents are approaching me, having taken advantage of Scottish Government schemes to change their heating systems, which I remind members consist of support of up to £7,500 and more in rural areas.

**The Deputy Presiding Officer:** Question 6 has been withdrawn.

### Shawhead Flyover Junction

**7. Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what recent discussions it has had with Transport Scotland in relation to the Shawhead flyover junction in Coatbridge (S6O-02884)

**The Minister for Transport (Fiona Hyslop):** I am aware that the member has raised concerns about the performance of the junction with Transport Scotland and that its contractor, Scottish Roads Partnership, is reviewing whether potential alterations would assist the movement of vehicles at the junction. I understand that Transport Scotland wrote to the member earlier this year about his concerns.

**Fulton MacGregor:** From the conversations with Transport Scotland that the cabinet secretary describes, I am sure that she will be aware of the issues with the junction. She might also be aware, as she said, that I have previously raised those issues in the chamber.

Since improvement works were completed some years ago, the junction has been a scene of a great many road traffic accidents of varying degrees of seriousness. The junction is well known locally and many people report avoiding it, despite it being a main transport route connecting to the M8 and other larger towns. I have had several discussions with Transport Scotland, including on-site meetings, and minor changes have been made over the years. I am grateful for its collaboration and continued support. What further discussions can the minister have with Transport Scotland to make improvements at the junction and thereby enhance driver confidence at the site?

**Fiona Hyslop:** The member might understand that I do not have full information about the exact details of the junction and of the problems that the Scottish Roads Partnership's contractor is already reviewing. I will ask Transport Scotland to liaise with that contractor to give the member an insight

into the current state of the review of the potential alterations. If that needs a site visit with Transport Scotland, the operator and the member, I am sure that that can be arranged.

### 20mph Speed Limits

**8. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government whether it will provide an update on the next steps for implementation of 20mph zones across Scotland, following the October meeting of the multi-stakeholder 20mph task group. (S6O-02885)

**The Minister for Transport (Fiona Hyslop):** The Scottish Government is committed to implementing 20mph speed limits on those roads where it is appropriate to do so by 2025. At its November meeting, the task force group agreed to support local authorities to expand 20mph speed limits where appropriate as the optimum route to implement. As a result, work is now under way to establish a delivery subgroup, with a communication toolkit being finalised to be used at the local level.

**Alex Rowley:** As an MSP who represents Fife, I have found that traffic engineers in the council are fairly opposed to the 20mph speed limit, even when people have come forward and made the case for them. My question is therefore about what we are going to do between now and 2025. I noticed that £1.4 million was given to local authorities for assessments, and £107,000 of that went to Fife. When I asked Fife Council about that, it said that that was spent on a consultant's report that was sent to Traffic Scotland. How many more millions will we spend between now and then? Will the cabinet secretary give guidance to local authorities that, when communities ask for safety measures to be put in place, they should at least be considered?

**Fiona Hyslop:** Local authorities themselves have said that they want 20mph speed limits, but the pace and scale at which those will happen in their areas might vary, as might the time that they take. There are already trailblazers on that approach, particularly in the Highlands and the Borders. The Highlands experience, which other local authorities will learn from, is proving successful. Indeed, communities that do not have such speed limits are asking for them to be implemented now.

Although some road engineers might not be in favour of the idea, if, like me, the member trusts local authorities to carry out their duties, he will agree that they will know the appropriate roads to make 20mph. By listening to their communities, they will get a resolution and an implementation of an approach that everyone recognises has benefits, particularly for communities that are now experiencing lower speed limits. Councillor Scott

Arthur, who is a Labour councillor in Edinburgh, was quite clear that the safety measures that have been brought in here in Edinburgh have already prevented a number of injuries on roads in the city, which is way ahead of many other communities in implementing 20mph speed limits.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome the progress that has been made across Scotland in rolling out 20mph speed limits, not just in Fife but in the Borders and the Highlands. All councils now have a detailed plan for how they will implement the roll-out of such limits across their areas, getting us closer to the target of ensuring that all appropriate roads have those limits by 2025. Given that the Scottish Government has not decided to go down the route of changing the 30mph default speed limit to 20mph, how will the minister ensure that there is consistency between councils and that there are adequate resources to get the job done, so that communities that need 20mph limits to create safer streets can have them and that we can move forward together?

**Fiona Hyslop:** We will watch and learn from the Welsh experience. However, our experience will be quite different, because we are asking local authorities to identify the appropriate roads on which to introduce 20mph limits.

I agree that we want consistency, but we also want local authorities to be in control of their own schemes. That is the balance that we have to strike. From what we have heard, we know that some local authority areas are well ahead—for example, Edinburgh, the Highlands and the Borders. The member has expressed the view that the introduction in Fife is progressing as well, but authorities will go at different speeds to get to 20mph. We have to recognise that that is the result of giving local authorities that option 2 choice to designate the appropriate roads themselves.

**The Deputy Presiding Officer:** That concludes portfolio questions on net zero and just transition.

**Douglas Lumsden:** On a point of order, Presiding Officer. I should have reminded members of my entry in the register of members' interests, which shows that at the start of the current parliamentary session I was a councillor at Aberdeen City Council.

**The Deputy Presiding Officer:** Thank you, Mr Lumsden. I am sure that that is now on the record.

Before we move to the next item of business, there will be a short pause to allow front-bench teams to change positions, should they so wish.

## Strikes (Minimum Service Levels) Act 2023

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-11652, in the name of Neil Gray, on the application of the Strikes (Minimum Service Levels) Act 2023 in Scotland.

14:54

**The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray):** Today, I seek the Parliament's support for the Scottish Government's continued opposition to the Strikes (Minimum Service Levels) Act 2023 and any associated secondary legislation.

These are challenging times. In the aftermath of Brexit and Covid-19, and with the war in Ukraine and the cost crisis, topped off by the effects of Liz Truss's and Kwasi Kwarteng's mini-budget last year, we now confront some of the most formidable economic conditions in living memory. These times call for us to share our vision of how we will face those challenges head on while providing clarity on how we will seek to build a better future.

This Government's vision is of an economy that is fair, green and growing. It is of a country that provides a promising future for every worker, family and community, supported by a robust labour market. The Scottish Parliament is limited in what it can do, but we will continue to do all that we can to resist the Strikes (Minimum Service Levels) Act 2023. Today's debate, in which we hope to secure the Parliament's support for our position, is a testament to that.

Trade unions stand as a cornerstone of Scottish democracy. They play a pivotal role in realising our fair work ambitions as we successfully transition to net zero. Those ambitions, in turn, form the bedrock of a wellbeing economy, providing workers with better job quality, pay, economic security and work-life balance, and providing employers with an available workforce with the right skills that are aligned to the needs of businesses and our economy.

The Scottish Trades Union Congress represents about 540,000 trade unionists and members of 39 affiliated trade unions and 20 trades union councils. It can speak for the interests of female workers, black workers, young workers and those who suffer discrimination not just in the workplace but as part of civil society. It can genuinely foster an inclusive society that has wellbeing at its heart and a strong economy—a goal that I believe most members of this Parliament share. Those voices

are invaluable in the development of economic and social policies.

The First Minister and I recently held the latest biannual meeting with the STUC and its affiliates, at which the issue of minimum service levels was raised. Alongside the First Minister, I made a commitment to do everything in our power to resist the implementation of the Strikes (Minimum Service Levels) Act 2023.

**Daniel Johnson (Edinburgh Southern) (Lab):**

The cabinet secretary is quite right that at the heart of this is the role of trade unions in representing workers, but is there not a much more fundamental principle—that of the relationship between the worker and their work, and their right to withdraw their labour when all that they have to exchange is their labour itself?

**Neil Gray:** Absolutely—I whole-heartedly agree. Daniel Johnson and I share that principle, which is why I hope that we can secure Labour's support for the motion at decision time.

The introduction of the Trade Union Act 2016 represented a direct threat to workers' rights. Not content with having the most anti-trade union laws in western Europe, the United Kingdom Government's way of managing the recent spate of industrial disputes was to introduce the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022. Although the High Court has quashed the legislation permitting the use of agency workers to replace those who are taking part in strike action, the UK Government is consulting on the matter again. It is relentless in its efforts to curb or mitigate strike action.

While that goes on in the background, we are now faced with the implementation of the Strikes (Minimum Service Levels) Act 2023 and the associated secondary legislation, which encroaches on devolved services. Not only is it unnecessary, unwanted and ineffective, but it seeks to undermine legitimate trade union activity and does not respect the Scottish Government's fair work principles. Governments should be working with the public sector and trade unions to reach fair and reasonable settlements that respect the legitimate interests of workers, not seeking to curb their right to strike.

Despite the 2023 act, and although employment law remains reserved to the UK Parliament, we will continue to use the levers that are at our disposal to promote fairer work practices across the labour market in Scotland. Fair work is a model for innovation and success, and many employers in Scotland are working alongside trade unions to implement fair work practices. Fair work supports stronger productivity, economic growth and greater wellbeing. Earlier this week, I met

trade unions to discuss fair work and to hear their views on how we are progressing in delivering our shared ambitions. Alongside supporting employers, our fair work action plan includes actions to support trade unions. We want to build an economy in which our businesses, industries and trade unions thrive and in which economic success works for all. There is clear evidence that unionised workplaces have more engaged staff, higher levels of staff training and a progressive approach to staff wellbeing.

We are committed to supporting strong trade unions in Scotland for the benefit of all workers and our economy. That is in contrast to recent Westminster Government labour market policies, which are moving in the opposite direction. There is inadequate enforcement of minimum employment standards, including the national minimum wage, and the Trade Union Act 2016 and, now, the Strikes (Minimum Service Levels) Act 2023 have been introduced.

My ministerial colleagues and I have written to UK ministers on several occasions to express our fervent opposition to the introduction of minimum service levels, as well as our concerns about the associated codes of practice. Most recently, on 4 December, my colleague Fiona Hyslop wrote to the minister of state at the Department for Transport in relation to the publication of the UK Government's consultation response regarding the laying of the Strikes (Minimum Service Levels: Passenger Railway Services) Regulations 2023. Despite Ms Hyslop's letter, which clearly articulated our position, the regulations have been approved and are now in effect.

Nevertheless, we have consistently maintained the position that we should collaborate with transport operators and trade unions to achieve fair and reasonable settlements while respecting the legitimate interests of workers and transport organisations. Our approach is unlike that of the UK Government, which, since 2019, has not had a single day without either a strike on its railways or outstanding mandates for such a strike.

The UK Government's introduction of the 2023 act not only ignores the devolution settlement but fails to recognise the authority of the Scottish Government in devolved areas. Through the reservation to UK ministers of the sole authority to set minimum service levels, those levels can be set so high that any strike will be rendered largely ineffectual—a point to which, I am sure, Daniel Johnson was referring in his intervention.

Moreover, the UK Government has established minimum service levels for passenger services that, in Scotland, cover rail, the Edinburgh trams and the Glasgow subway. Fortunately, the minimum service levels that have been set for ambulance services are limited to England.

However, further regulations will be forthcoming, as the UK Government plans to extend minimum service levels to other sectors.

In November, the UK Government's Department for Education launched a consultation on minimum service levels for education services in Great Britain, including schools, colleges and universities. The Scottish Government intends neither to provide a formal response to that consultation nor to assist with the development of any regulations that might arise from it, because to do so would only serve the harmful objectives of the 2023 act. I will be clear: the Scottish ministers have no intention of asking any employers within our influence to issue work notices. Instead, we will continue to encourage employers and trade unions in the Scottish education sectors to work together constructively to seek resolutions to industrial disputes.

The UK Government's introduction of what is a wholly unwelcome act is unnecessarily inflammatory and will act against the interests of the public. We are not alone in opposing the legislation. As it progressed through the UK Parliament, the Welsh Government was utterly opposed. It called it

"a Bill that represents a nakedly political and opportunist attack on the rights and dignity of public services workers."

On royal assent, it reiterated its opposition and continuing

"fundamental concerns about the impact of the Act on devolved public services"

in Wales.

The Trades Union Congress has reported the UK Government to the International Labour Organization over the act, and its congress recently backed a motion calling for the devolution of employment law to Scotland—a view that is shared by Scottish Labour, as confirmed by Anas Sarwar in early November. Although UK Labour has stated that, should it be successful at the next UK general election, it would repeal the 2023 act—which is welcome news—it does not share Scottish Labour's view that employment powers should be devolved to the Scottish Parliament. That is in stark contrast to our position, which is clear: securing the full range of employment powers will empower the Scottish Parliament to fully implement policies that will best meet Scotland's distinct needs, shift the curve on poverty and deliver our shared ambition for a fairer, greener and more prosperous Scotland.

The Scottish Government is committed to realising our vision for Scotland to be a leading fair work nation by 2025. Fair work is the catalyst for success, wellbeing and prosperity for individuals, businesses, organisations and society as a whole.

That is a marked divergence to Westminster's labour market policies.

We are not alone in thinking that. In the words of Labour's Baroness Bryan of Partick, during the passage of the legislation through the House of Lords,

"the Welsh and Scottish ... fair work arrangements do not prevent industrial disputes but allow constructive dialogue between government, employers and trade unions, so that when disputes occur there is greater good will to resolve them."

She also stated that the bill presented

"a strong case for devolving employment law to Holyrood"

and that

"the Sewel convention has been abused"

repeatedly

"so that it is no longer meaningful."—[*Official Report, House of Lords*, 23 March 2023; Vol 828, c 1867.]

That is exactly the point: the act further encroaches on the devolved settlement and unnecessarily undermines trade union relations, which will force further industrial disputes elsewhere.

The UK is becoming a global outlier, according to the International Trade Union Confederation, having fallen from a rating of 3, which means that the ITUC considers that there are regular violations of workers' rights, to a rating of 4, which means that it considers that there are systematic violations.

Our request of the Parliament today is to recognise and endorse our distinct approach to industrial relations and trade unions, which is—unlike that of the UK—based on partnership working.

I move,

That the Parliament considers the Strikes (Minimum Service Levels) Act 2023 to be unnecessary, unwanted and ineffective; further considers that the legislation, and any associated secondary legislation that could be applied in Scotland, encroaches on the devolved responsibilities of the Scottish Parliament in matters relating to health, transport, fire and rescue and education; notes that its measures seek to undermine legitimate trade union activity and do not respect fair work principles; recognises that trade unions are key social and economic partners in Scotland in responding to the cost of living crisis, creating a wellbeing economy and working towards a just transition to net zero; agrees that a progressive approach to industrial relations and to trade unionism is at the heart of a fairer, more successful society, and makes clear, therefore, its opposition to the Strikes (Minimum Service Levels) Act 2023 and to any associated secondary legislation that could be applied in Scotland.

**The Deputy Presiding Officer:** I advise the chamber that there is a bit of time in hand for this afternoon's debate.



I call Murdo Fraser to speak to and move amendment S6M-11652.1, for around eight minutes.

15:05

**Murdo Fraser (Mid Scotland and Fife) (Con):** I will start with two expressions of regret in relation to this afternoon's debate. First, I am very sorry that I am not able to be in the chamber in person due to an injury. Secondly, although I am very happy to engage in this debate on the Strikes (Minimum Service Levels) Act 2023, I regret the fact that the Scottish Government is devoting the afternoon, at this point, to discussing what is, in essence, a matter of reserved legislation.

There is a whole range of issues affecting the Scottish economy that fall under the remit of the cabinet secretary, which we could be discussing today. We could be looking at Scotland's economic performance, or at the challenges in sectors such as hospitality at the moment, and their demand that the 75 per cent rates relief that the chancellor issued to retail, hospitality and leisure businesses in England and Wales be passed on to businesses in Scotland in the coming year—as, indeed, was not done in the present year. We could also be looking at what the Scottish Government is going to do in its budget on Tuesday to support economic growth in those sectors of the economy that are struggling.

In that respect, I was very interested to read in the newspapers that the cabinet secretary is fighting a battle within the Cabinet to oppose additional tax rises that would widen the income tax differential between Scotland and the rest of the UK still further. I certainly wish him well in his endeavours in that respect—although, if the latest reports are to be believed, it looks like he has lost that battle already, in humiliating fashion. If that is true, which we will find out on Tuesday, it will be deeply damaging to the economy and our prospects for growth, and it will send out a message about how unattractive Scotland is as a place for those looking to set up and grow businesses. That is not only my view but one that is universally held across business representative organisations in Scotland.

Regrettably, instead of those matters being the focus of the Scottish Government's debate this afternoon, we have yet another set of grievances with the UK Government, this time in relation to the legislation on minimum service levels, which came into law on 20 July this year.

I have to take issue with the statement in the motion in the name of the cabinet secretary that claims that the legislation

“encroaches on the devolved responsibilities of the Scottish Parliament”.

In fact, the legislation impacts on reserved areas in so far as they apply to Scotland, including matters such as border security.

**Neil Gray:** First of all, I wish Murdo Fraser well. Having seen him the morning that he injured himself, I can understand why he would be housebound. I wish him well for a recovery from what appeared to be a very sore injury.

Is Murdo Fraser not concerned about my concluding remarks about the International Trade Union Confederation downgrading the UK and what it has said about the UK Government's position, which is clearly an outlier in relation to workers' rights? Is he not concerned that cross-border rail is currently being impacted by the regulations, and that the act gives the right to all secretaries of state in the UK to come forward with secondary legislation that can impact on devolved competence?

**The Deputy Presiding Officer:** I can give you the time back, Murdo Fraser.

**Murdo Fraser:** I thank the cabinet secretary for his very kind words. I hope to be back in the chamber next week.

In relation to the point about the impact on devolved matters, I am afraid that the cabinet secretary is simply wrong in what he had to say. The issue of notices is a matter for the employing organisation or body. Although it is true that matters such as border security, the passport office and nuclear decommissioning come under the remit of the legislation, that would be a matter for UK ministers, which is the case under our current constitutional settlement. When it comes to devolved responsibilities, it is a matter for the Scottish Government to determine whether such notices are issued. It is not a matter for the UK Government to determine that. If the cabinet secretary does not understand that, he has not read the legislation or the explanatory notes, which make that absolutely clear. The cabinet secretary is trying to stir up in this debate grievance that is simply groundless and without any substance.

Let us look at the principles behind the bill.

**Neil Gray:** In that case, how does Murdo Fraser explain the consultation that is currently under way on the education front, which includes schools, colleges and universities, or, indeed, the wider national health service consultation, which could also have an impact on this matter?

**Murdo Fraser:** The cabinet secretary surely understands that the notices are a matter for the employer. In this case, the employer is the local authority or the Scottish Government, depending on which body he is talking about. The UK Government cannot issue the notices to apply in

Scotland. That is not what the legislation currently says. This is just a matter of the cabinet secretary stirring up grievance.

I go back to the point that I was going to make about where the act fits in with wider employment law. I recognise that the ability to strike is an important part of industrial relations in the United Kingdom that is rightly protected by law. It follows from that that an element of disruption is inherent in any strike. That said, the public expect some level of essential protections to be put in place even when strikes are taking place.

**Daniel Johnson:** Will the member take an intervention?

**Murdo Fraser:** I am not going to take another intervention at this stage. I have taken two, and I need to make some progress.

The Government has to strike an appropriate balance between the ability to strike and protecting lives and livelihoods. Even before the legislation was put in place, we had protections relating to the armed services and the police, for example, to protect individuals from strikes. The legislation extends those categories to ensure protection of the public.

There is nothing unusual about that in the wider European context. Most countries in Europe have restrictions on strike action, including the provision of minimum service levels. It is true that the list of professions covered differs from country to country, but I commend to members the research done by the House of Commons library that looks, country by country, at the restrictions that are put in place. Some countries, such as Portugal and Greece, have explicit frameworks set out in statute for sectors in which minimum services must be provided. In other countries—Germany and the Netherlands, for example—there are no explicit statutory minimum service laws, but court rulings have allowed restrictions to be imposed in practice for certain services, where the right to strike is balanced against competing public interests. In France, there are elements of both statutory and non-statutory restrictions. It is only in very few European countries—Poland and Austria, for example—that there are no minimum service requirements in law at all. However, in Poland, there is still an extensive list of professions that are prohibited from striking altogether.

Across Europe, the breadth and extent of minimum service levels vary considerably. Finland and Croatia draw restrictions narrowly around the protection of lives, public safety and/or property that would otherwise be in danger. Other countries state that the competing requirement is a broader public interest test, while they need to provide services essential to the community, which can include healthcare, emergency services,

education, transport, energy and telecommunications. Different European countries take different approaches to how those laws will work in practice. In Romania and Greece, for example, a flat rate of one third of regular service is set across all restricted services, but most countries determine the actual maintenance service levels on a case-by-case basis.

The legislation simply brings the United Kingdom into line with the norm across most European countries. Given that the Scottish Government's stated intent is to align itself with the rest of the European Union, I am somewhat surprised that it is resisting the legislation, which simply brings the UK into line with the practice in most European countries.

As I have said before, even if the Scottish Government objects to the legislation, it does not have to implement those minimum service levels. It will be for the Scottish ministers to determine whether will do so in relation to devolved areas. As we have heard, the Scottish Government has no intention of doing so.

What we have here is the proverbial storm in a teacup. Whatever one's view on the need for minimum service levels and whether they are appropriate, they will apply in Scotland only if the Scottish ministers decide to implement them. Therefore, this whole debate is just about posturing and constitutional grievance from the Scottish National Party, which is once again trying to stir up a fight with Westminster, when there are far more important things that it could be spending its time on.

I am very pleased to move the amendment in my name. I move amendment S6M-11652.1, to leave out from second "the" to end and insert:

"that the Strikes (Minimum Service Levels) Act 2023 strikes an appropriate balance between the ability to strike and the protection of lives and livelihoods; notes that most European countries have provisions in place for minimum service levels during certain public service strikes; recognises that public service employees have a right to strike, and that an element of disruption is inherent to any strike, but believes that the wider public expect a minimum level of service during industrial action; notes that the legislation currently only applies in Scotland to the reserved areas of border security, HM Passport Office and nuclear decommissioning, and does not impact on devolved responsibilities in health, transport, fire and rescue and education, considering that the Scottish Government has stated that it will not mandate minimum service levels under the legislation during a potential strike, and calls on the Scottish Government to use the powers that it has been given under the Strikes (Minimum Service Levels) Act 2023 to ensure that people in Scotland have the same protections for devolved public services in the event of a strike that those elsewhere in the UK benefit from."

**The Deputy Presiding Officer:** Thank you, Mr Fraser. I, too, wish you a speedy recovery.

I call Daniel Johnson to speak to and move amendment S6M-11652.2, for around six minutes.

15:15

**Daniel Johnson (Edinburgh Southern) (Lab):** I remind members of my entry in the register of members' interests and my declarations regarding trade union membership.

It was somewhat striking that Murdo Fraser took fully a quarter of the speech that he has just made before he even attempted to defend his own Government's policy. He spent two whole minutes essentially seeking to deflect and, indeed, to apologise. What does it say about a party of government that, rather than seeking to use its legislative capacity, it seeks to use the time and powers that are available to it not to look at the situation in the country, to look at solutions and to look at how it can seek to serve the people but to seek to trap the party of opposition and to attack it? Indeed, what does it say about the party of opposition that the incumbent party seeks to attack it because it has the vision and the willingness to govern?

That is what this piece of legislation has been about and it is somewhat ironic that Murdo Fraser talks about it being a storm in a teacup.

**Brian Whittle (South Scotland) (Con):** Will the member take an intervention?

**Daniel Johnson:** I will in a moment.

Fundamentally, the Conservative Party has been seeking to wind back the clock and invoke memories of Longbridge and industrial dispute. It is yet another chapter in the culture wars, because the Conservative Party is simply out of ideas and, I would wager, out of time.

**Brian Whittle:** Does Daniel Johnson recognise the fact that he and I are both in opposition at the moment?

**Daniel Johnson:** It will be interesting to see what 2024 brings.

What I have to say about the legislation is threefold: it is wrong in effect, it is wrong in its analysis and, most fundamentally, it is wrong in principle.

Much of Murdo Fraser's assertion was that we need it to bring us into line with Europe. He cited the House of Commons library briefing, but what he omitted was that that self-same briefing points out that minimum service levels do not work in the countries where they exist. Countries such as Spain and France lose far more days to strike than the United Kingdom does. Minimum service levels have ended up in the courts, gummed up and, frankly, getting in the way of industrial relations, not resolving them.

You do not even need to take my word for it; you have only to listen to the Government. The Government's impact assessment stated that minimum service legislation could increase the number of strikes and disruption in the transport sector. Even the architect of the law, Andrew Gilligan from number 10, said that the plans may

"promote more industrial action than they mitigate"

and will not ensure smooth services. Those are not my words—they are Andrew Gilligan's. Finally, the transport secretary stated, in December last year, that minimum service levels for rail were "not a solution" and that the way to get better service was to "resolve the disputes". Amen to that! If only the Conservatives in the chamber today would listen to their own people.

However, the Conservatives are also wrong in analysis, because the contention is that we need the legislation for safety. That is simply nonsense. The Trade Union and Labour Relations (Consolidation) Act 1992 makes it illegal to strike when that endangers human life and limb. That is a Conservative law. You would think that they would know their own legislation. They also make a fundamental mistake in assuming that workers want to strike. They do not, especially not workers who work in healthcare, which is why we saw ambulance workers regularly breaking picket lines in order to do their duty. People who work in our public services want to serve the public. They want to help people and cure people. That is the analysis.

The Conservatives need to understand that the level of strikes that we are seeing is not because people want to strike but because of the frustration and despair that they feel after 13 years of Conservative government and the sorry state of our public services, as a result.

Most importantly, the Conservatives are wrong as a matter of principle.

**Liam Kerr (North East Scotland) (Con):** The member seems keen to argue about the UK situation and UK legislation, notwithstanding that we are in the most powerful devolved Parliament in the world. As he is so keen to do that, can we take it that he will be standing for election at Westminster next year?

**Daniel Johnson:** South Edinburgh is well served by Mr Ian Murray, and I would not want to get in his way as he seeks to fight the next election.

Let me be clear: the legislation is wrong in principle. The right to strike is fundamental for the reasons that I have set out. Even the Conservatives used to believe that. The right to strike is set out in the European convention on human rights—a treaty that was championed by

Churchill and, up until now, has been championed by the Conservative Party. The debate fundamentally rests on this point: when you are a worker, all that you have in a capitalist society is your labour as a means of exchange. If you remove the right to strike, you essentially force people to work. That is a form of indenturement, which is to be condemned. That is why the legislation is a matter of concern for the United Nations Independent Labour Organization, and why it is so controversial.

In closing, I think that it should be noted that the Scottish Government has the power simply to ignore the legislation. It does not need to serve these notices. Many of the powers and capacities rest with the Scottish Government. I gently say to the Government that, although I am absolutely clear that the legislation must be condemned, fair work requires a degree of introspection and self-analysis, too. The Government's analysis on fair work says that there is much work to be done. I would prefer to see a debate about fair work and how we can take that forward, rather than one that simply attacks others. Let us be clear: within the first 100 days of a Labour Government, we will bring forward a new deal for workers, which will strike the legislation down. If you believe that that is right, you need to vote Labour. I seek all members' support for our amendment, which would deliver exactly what the Government seems to be calling for.

I move amendment S6M-11652.2, to insert at end

“; believes that the Act is an attack on the rights of public sector workers, and supports the Labour's Party's New Deal for Working People, which includes commitments to repeal the Strikes (Minimum Service Levels) Act 2023 within the first 100 days of the next UK Labour administration, to outlaw zero-hours contracts and fire and rehire practices, to deliver a genuine living wage, and to ensure day one rights to sick pay, parental leave and protection from unfair dismissal, and which has been described by the Trades Union Congress as the biggest expansion of workers' rights in decades.”

**The Deputy Presiding Officer:** I sound a cautionary note about electioneering in the chamber. We have probably stayed just about the right side of that line, but it is worth a reminder.

15:21

**Beatrice Wishart (Shetland Islands) (LD):** The Liberal Democrats are opposed to the application of the Strikes (Minimum Service Levels) Act 2023, and my Westminster colleagues made their opposition clear during the bill process in the House of Commons. Indeed, the Liberal Democrats tabled an amendment that, had it passed, would have resulted in the house declining to give the bill a second reading.

Our reasons for opposing the legislation are many. It is simply another attempt by the Conservatives to distract from their appalling mismanagement of the economy and from their failure to avert strikes in the first place.

The legislation will simply not work. Minimum service levels will not avert on-going crises in public services or help to solve staff shortages in the NHS. Its scope is far too wide and goes well beyond critical services. Not only will it not work, but the UK Government's legislation does not contain any detail about what minimum services will be, while it hands extraordinary powers to UK Government ministers to change current legislation without adequate parliamentary scrutiny.

The legislation does nothing to resolve industrial disputes. Instead, it will only increase the disruption caused by future industrial action. The best way to avoid disruption during strikes is to prevent them in the first place, which means the Government getting round the table with staff and employers to find a solution.

As my Westminster colleague, Christine Jardine MP, said,

“the cause of these strikes is the deterioration in our public services”

that the Government has presided over. She went on to say that the act does not

“undo that deterioration, and it will not help our public sectors.”—[*Official Report, House of Commons*, 16 January 2023; Vol 726, c 106]

She also said that the act is an attempt to use the workers and the state of public services as

“a political football to distract from the mismanagement of public services that has led us to this point.”

She argued that

“Those poor levels of service have not arisen through anyone's will to have low services”

and that, rather, they are as a result of a

“lack of resources and investment in our public services, which ... staff have struggled to improve on and work through.”—[*Official Report, House of Commons*, 30 January 2023; Vol 727, c 107]

I do not need six minutes for my speech, Presiding Officer, because I will conclude by saying that, rather than impose minimum levels of service in a strike situation to make a political point, the UK Government should invest in public services to improve levels of service all the time.

**The Deputy Presiding Officer:** We move to the open debate.

15:24

**Clare Haughey (Rutherglen) (SNP):** I refer members to my entry in the register of interests, as I am a member of the trade union Unison and I hold a bank nurse contract with NHS Greater Glasgow and Clyde.

Because of the Westminster cost of living crisis, which means that many people's wages are not keeping pace with increases to their cost of living, and given that that is coupled with years of Tory austerity, people across the UK have been striking in record numbers. Workers in almost every sector have come together to demand better pay and conditions.

Just as the right to work is a fundamental human right, exercising the right to strike is a fundamental liberty that is available to most workers. However, a change in the law by the Westminster Tory Government threatens that liberty for workers in some of our most vital public services.

Under plans that have been announced so far, the Strikes (Minimum Service Levels) Act 2023 will impact on workers in rail services, ambulance services and border security by stipulating minimum service levels in those sectors. The UK Government has also been consulting on the introduction of regulations on minimum service levels for hospital-based health services in England, Scotland and Wales during strike action. Notwithstanding the impact on workers, the 2023 act ignores the devolution settlement and fails to recognise the Scottish Government's authority in devolved areas.

The act is just the latest Tory attack on workers' rights. As I started my working life, I had my first experience of exercising my right to withdraw my labour in 1984, when Thatcher's Government removed trade union rights at GCHQ. Union members were told to resign their membership or be sacked. I was proud then, as I remain now, of the tenacity of the workers who were involved and their families and of the solidarity of the whole trade union movement.

That was not Thatcher's only foray into reducing the powers of trade unionism in the UK. Her Government restricted the right to picket, prevented unions from bringing out their members in support of other unions and introduced ballots for strike action. In 2016, the then Tory Government enacted higher thresholds for success on ballots and extended the notice that was required for industrial action.

Now we face yet another crackdown on workers' protections through the 2023 act. The Scottish Government will—rightly—do everything that it can to oppose this appalling piece of anti-worker and anti-trade union legislation, which will undermine,

not enhance, industrial relations. Instead of demonising workers and continually limiting their ability to take industrial action, the UK Government should give those in the public sector fair wage rises and proper terms and conditions, while providing additional funding across the devolved nations to support fair pay awards.

As we have heard again today, Labour has said that it will repeal the legislation in its first 100 days of government, which I would welcome. However, Sir Keir Starmer has U-turned on previously announced policies almost every other week, so members must forgive me for not trusting what Labour says. As Labour continues to move to the right in order to appeal to Tory voters, who knows what other progressive proposals will end up on the Labour scrapheap?

Labour does not have the best record. Other than overturning the ban on trade union activity in GCHQ, which I mentioned, Labour Governments have kept most of the restrictions on union activity that successive Tory Governments have imposed.

**Michael Marra (North East Scotland) (Lab):** If Clare Haughey supports the new deal for working people, which the STUC and the TUC back, will she vote for it by supporting Labour's amendment?

**Clare Haughey:** We have been accused of grievance politics by the Tory party. I am aggrieved; I do not trust what I hear from the Labour Party and I do not trust it to enact what it says it will do. Because Labour's Westminster party leader has made so many flip-flops, I will be supporting what the Scottish Government does and not what the Labour Party proposes.

The Labour Party hardly has a record for its members in the Scottish Parliament to trumpet. In any event, the Tories could simply re-enact the legislation the next time that they get into government. It is clear from Labour's refusal to back calls from the Scottish Government and the STUC for employment law to be devolved that it would rather leave Scotland at the mercy of Tory attacks on workers' rights than give our national Parliament such powers.

**Monica Lennon (Central Scotland) (Lab):** Will the member give way?

**Clare Haughey:** The only way for Scotland to get rid of—for good—Tory Governments that we do not vote for and, by extension, anti-worker and anti-trade union policies is for Scotland to become an independent country and have control of her own laws.

The trade union movement has a proud history of protecting workers' rights, which was born of the desire to combat exploitation and to ensure a fair day's pay for a fair day's work. Trade unions have

been at the heart of social and economic change. I have been a proud trade union member all my working life, and prior to being elected as an MSP, I was a divisional convener for Unison for many years. I have represented national health service staff on numerous issues, from grievances, bullying and harassment claims to appeals against dismissal.

As the only nation in the UK to have averted NHS strikes, Scotland has shown that a better and more constructive way is possible, and that is not an accident. It is testament to the fact that this SNP Government has worked constructively to produce acceptable offers that befit the vital work that our NHS staff do, while the Tories have done nothing but level outrageous attacks at our NHS staff and unions.

On the minimum service levels legislation, the Royal College of Nursing has said that this provocative move

“makes future strike action by nurses more likely, not less likely.”

Roz Foyer, the general secretary of the Scottish Trades Union Congress, said:

“There’s a real, real slap in the face for workers who were on the frontline during the pandemic, who put themselves and their families at risk to give us key essential public services. These workers are now being told that they may be sacked for taking lawful industrial action.”

The chair of the British Medical Association council said:

“Even before the recent Strikes Bill, the UK has some of the tightest restrictions on trade union activity in Europe, and now with threats that could see individuals sacked if they do not comply with these new laws it feels like another kick in the teeth to our profession”.

Those damning statements have been ignored by Westminster, and I echo and support those words.

Scottish workers deserve to see the back of Westminster’s anti-workers agenda once and for all. We in the SNP are clear that a progressive approach to industrial relations that is built on greater, not fewer, protections for workers is at the heart of a fairer society.

15:31

**Liam Kerr (North East Scotland) (Con):** I was a little surprised to see that we would be debating in the chamber today UK legislation that was proposed, amended and passed by the UK Parliament. It seemed odd that, rather than debate the shocking programme for international student assessment figures that came out last week, which show the decline of education after 16 years of SNP Government, which it left the Scottish Conservatives to do in our business time, or perhaps the housing crisis in Scotland that has arisen due to SNP failures, which it left Labour to

debate in its business time a few weeks ago, the SNP Government decided to debate UK legislation, the provisions of which are reserved and almost entirely apply outside Scotland, save in relation to border security, Network Rail and nuclear decommissioning.

However, to ensure that I was fully familiar with what had happened in the UK Parliament, I got my hands on various documents, including the Strikes (Minimum Service Levels) Act 2023. I noticed that it amends the 1992 act in such a way as to recognise that the ability to strike is a vital part of industrial relations in the UK—it is rightly protected by law—while seeking to maintain a balance with protecting the safety of the public and maintaining essential services.

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** To bust the myth about the act being entirely reserved, the transport minimum service level applies to Network Rail, all train operators, Edinburgh trams and the Glasgow subway. There are no live disputes at the moment, but Network Rail’s current pay deal expires at the end of 2023, and the Caledonian sleeper pay deal expires on 31 March. There is no way that the Opposition can argue that the legislation does not and will not impact on Scotland.

**The Deputy Presiding Officer:** Liam Kerr, I can give you the time back.

**Liam Kerr:** The Opposition is suggesting, actually, that this is the fundamental question: why are we having this debate when the legislation specifically does not apply to Scotland? I have the explanatory notes here, which say in paragraph 9 of page 3—the member can look this up; I will pass the notes over to her if she wishes—that the matters to which the act’s provisions relate

“are not within the legislative competence of the Scottish Parliament ... If there are amendments relating to matters within the legislative competence of the Scottish Parliament ... the consent of the relevant devolved legislature(s) will be sought”.

**Maree Todd:** Will the member take an intervention?

**Liam Kerr:** Give me two seconds.

In fact, to make that apply—I think that the minister may want to reconsider her intervention—to any of the six services that are set out in the new section 234B(4), the act specifically creates a power, which it then gives to the Scottish Government to either bring in or not. We know from the many reports today—and from the cabinet secretary’s comments—that the Scottish Government has explicitly stated that it does not wish to use that power. That is its prerogative; however, it is odd to see the Scottish Government

rail against being given new powers and yet somehow argue that that offends devolution.

The second issue that many people will have concerns about is the SNP's apparently contradictory position when it comes to Europe. Since the UK left the European Union, the Scottish Government has made it clear that it disagrees with the UK Government on many things and prefers to align with the laws of the European Union. In that way, it believes that a Scotland divorced from the UK could become part of the European Union—

**Daniel Johnson:** Will the member take an intervention?

**Liam Kerr:** I will just make my point. I have my hands on the House of Commons library's research briefing, which details how European Union countries deal with minimum service laws. It is clear that, although, like the UK, most countries recognise the fundamental right to strike, most European countries go further on minimum service levels than the UK has done with the 2023 act. It is far from the global outlier that the minister suggests it is.

**Daniel Johnson:** Does Liam Kerr not recognise that he is misrepresenting what alignment means? Alignment means aligning with European directives, not with European practices per se. Will he reflect that that is not what alignment means in the formal sense?

**Liam Kerr:** I am quoting directly from the House of Commons library briefing and from the act. It is interesting to see there that Daniel Johnson does not want to compete for Westminster; he appears to want to join the SNP and make its points for it. Although the UK act covers only the six categories that are set out in section 234B(4), other countries commonly include the armed forces, the police, judges, public prosecutors and certain categories of civil servants.

The House of Commons library document also shows us that, where minimum service levels exist, their breadth and extent vary. In Italy, there are regulations during strikes in several public services that are far more extensive. In Latvia, the Strike Law 1998 details further sectors and is far more extensive than the 2023 act.

I entirely understand the Labour Party's position against the 2023 act. It seems to me that it is born of a consistent philosophical positioning around trade unions and its views on the role of strikes and the necessity, in the Labour Party's eyes, of compromising the public to achieve its ends. I might not agree with it, but I respect that it is a legitimate ideological debate. The Labour Party has made it clear that, should it form the next UK Government, it will repeal the act.

However, what I find puzzling—indeed, faintly ridiculous—is the SNP's vitriol and fury, given that this is surely a matter for its MPs and given the apparent serious contradictions in its positions on the devolution settlement and on Europe. Some might very well conclude that this debate is less about the right to strike and more about distracting from the very serious problems that afflict Scotland under the SNP, which are entirely within this Parliament's purview. Therefore, the only sensible thing to do is to support the amendment in Murdo Fraser's name.

15:38

**Bill Kidd (Glasgow Anniesland) (SNP):** The right to strike is central to a modern and free society that approaches industrial relations in a progressive and inclusive manner, with co-operation and compromise seen as essential strengths rather than weaknesses. Unfortunately, that has been eroded under successive UK Governments. In 1997—this is shocking—as part of his election campaign, when courting a right-wing vote, Tony Blair proudly announced that

“changes that we do propose would leave British law the most restrictive on trade unions in the Western world.”

He duly delivered on that pledge with restrictive measures that included the imposition of an arbitrary 40 per cent threshold for yes votes in workplace ballots on union representation—the same requirement that had wrecked Scottish devolution 20 years previously and that would have done the same to Welsh devolution and the London mayor. That is certainly not something that Labour members should be proud of—indeed, most Labour supporters whom I know are not proud of it.

History has a habit of repeating itself, however. With a list of abandoned promises, Sir Keir Starmer does not inspire any real hope, and his party here will be told what to do, no matter what is passed here. Regarding the proposed commitments that are outlined in the Labour motion, Sir Keir only recently lavished praise on Margaret Thatcher, who vowed to crush the unions, and so much misery and hardship followed for so many.

The Strikes (Minimum Service Levels) Act 2023 is, in context, another example of the UK Government's lurch to the right and its increasingly unhinged approach to governance. The party that until recently prided itself on being the party of law and order has shown, through its flouting of international law, its unlawful, failed Rwanda plan—it is failed, as it has not happened and it is no gonnæ happen—and its attempts to introduce new law to circumvent international human rights that it is increasingly unfit to govern.

The anti-strike laws were flagged by the UK's Joint Committee on Human Rights as potentially being unlawful, with others going as far as to suggest that the law would amount to forced labour. The new law could let employers issue a "work notice" that will

"identify the persons required to work".

If workers fail to comply, they can be fired, even during a good-faith trade dispute to prevent pay cuts, and the union can be sued into bankruptcy. This is the first time since 1906 that that could happen.

The right to fair pay and collective action are inalienable rights, enshrined in the Universal Declaration of Human Rights that followed the second world war and that was further cemented in the International Bill of Human Rights in 1966. Those instruments were enacted to ensure that workers faced with authoritarian employers and Governments could always do one thing: they could just say, "No. If you don't pay us properly, we won't work." That is an important point as, historically, strikes helped to bring down the iron curtain, they forced the British empire to abandon India and they finished apartheid in South Africa. The right to strike is essential to a functioning democracy, and any backsliding on that opens the doors to authoritarian and repressive policies and regimes. What we have seen recently under the UK Government is a slide towards a more authoritarian and repressive set of policies, with a blatant disregard to international law, the voice of the people and basic decency for those fleeing persecution. The shocking news of the recent death on the Bibby Stockholm barge reminds us all of the tragic consequences of the direction of those policies.

In contrast, the Scottish Government has called for a progressive approach to relations with trade unions and has been crystal clear that it will not co-operate in establishing any minimum service order here in Scotland. We have committed to putting workers' rights at the heart of our economic programme, through the fair work programme. The next few years will be critical to ensuring that we make the progress that is needed to achieve the vision for Scotland to be a leading fair work nation by 2025, meeting the changing needs of our economy and workforce. That is despite the considerable challenges faced because of EU exit, the Covid-19 pandemic, the on-going impacts of the war in Ukraine and the current cost of living crisis.

Let us be clear: if we want a Government that will stand up for workers' rights, build a fair society and treat those fleeing persecution with compassion and dignity, the choice is the SNP Government, as opposed to the indifferent,

heartless pseudo and real right-wing alternatives offered by Westminster.

15:43

**Monica Lennon (Central Scotland) (Lab):** I, too, refer to my entry in the register of members' interests as a member of the trade unions GMB and Unite, and to the voluntary section of my entry, which lists my memberships of the National Union of Rail, Maritime and Transport Workers, the Public and Commercial Services Union and the Communication Workers Union and of parliamentary groups, and which notes that I chair the Scottish Labour trade union group.

Those declarations keep me on the right side of the Parliament's rules, but I am very proud to be a trade unionist, like my colleagues on the Labour benches. I first joined a trade union as a graduate worker, more than 20 years ago, several years before I joined the Labour Party. The importance of being in a trade union was drilled into me through my family background and my community experience. I say to colleagues on the Tory benches that, while being in a trade union might be viewed as ideological, trade unions are good for the economy, and smart employers and smart politicians understand that.

More than two decades on from when my working life began, I am in despair at the state of workers' rights in Britain, as they are more precarious now than at any time that I remember. What kind of future will my 17-year-old daughter and her friend group have? They already know what it is like to be on a zero-hours contract. They know that working hard and being in work is not a protective measure against poverty and that a college or university qualification does not guarantee them fair work.

Like other members who have spoken today, I am appalled that we are having this debate, not because it is a waste of time or because there are other things that we should be talking about, but because our constituents are worried. We are days away from Christmas, and Liam Kerr and I have just been singing Christmas carols together—he had my festive Christmas glasses on, and I have my reindeer dress on. For a lot of people right now, however, there is not a lot to be cheerful about. Many people want to see the Tories at Westminster getting sacked this Christmas.

I would like to see the Conservatives in this place stand up to their colleagues. It is not always easy to do that in a political party, but they should not just be apologists. We have seen the Tories in the Scottish Parliament stand up to their colleagues at Westminster before—maybe it is time for them to do it again.



The Prime Minister may well be one of the richest men in Britain today, but his rotten Government is morally bankrupt. The Tories at Westminster are out of control because they know that they are on borrowed time. We are seeing, not just with the Tories' UK Strikes (Minimum Service Levels) Act 2023 but in many other actions, a full-frontal assault on workers' rights. I am relieved, therefore, that the Scottish Government will not enforce the 2023 act, which attacks the dignity and rights of public sector workers.

I was pleased to hear the cabinet secretary state today that fair work ambitions are the bedrock of the Scottish Government's vision for the wellbeing economy. I support that, but we all need to work harder in Parliament to ensure that the actions that we take match that ambition. That means funding our public services properly, using public procurement powers to improve workers' terms and conditions, tackling the growing disability pay gap in Scotland, and tackling the rise of zero-hours contracts.

I know that Clare Haughey ran out of time to take my intervention, and she has left her seat just now, but we did not hear a peep from her when the SNP was caught using zero-hours contracts in her Rutherglen constituency during a recent by-election.

**Keith Brown:** Will the member give way on that point?

**Monica Lennon:** Perhaps she raised that point with the SNP leadership. I see that the party's deputy leader, Keith Brown, wants to intervene. I am happy to hear from Mr Brown.

**Keith Brown:** I thank Monica Lennon for taking an intervention. Similarly, can she explain why the Labour Party was reportedly using fire-and-rehire practices two years ago for its own staff and why North Lanarkshire Council proposed such changes, which affected many women? Unison had to threaten strike action in that case to ensure that the council avoided those fire-and-rehire tactics for which the member condemns the Conservatives.

**The Deputy Presiding Officer:** I can give you the time back, Ms Lennon.

**Monica Lennon:** Thank you, Presiding Officer. I am not aware of all the examples that Mr Brown has given, but I am not shy in speaking out about my own party when we do not get things right. Today's debate is not about keeping score, but I am clear that the rise of fire-and-rehire practices across the country is unacceptable, and I have written to the cabinet secretary about that. Historically, Labour and the trade unions fell short when it came to tackling issues around the gender pay gap.

**Neil Gray:** I seek a point of consensus, because on that issue and on opposition to the Strikes (Minimum Service Levels) Act 2023 there is consensus between the Scottish Labour Party and the SNP.

Monica Lennon previously made the point about using public procurement. Does she accept that progress has been made just this year on further enhancing the fair work first principles, to ensure that fair work conditionality is applied to public sector grants? That includes ensuring that the real living wage is paid and that worker voices are applied to those grant-making tasks.

**The Deputy Presiding Officer:** Again, Ms Lennon, I can give you the time back.

**Monica Lennon:** I thank the cabinet secretary, and I accept where progress has been made, but we must do more to strengthen fair work conditionality and address in-work poverty. I know that many trade union colleagues are looking for the implementation of Fair Work Convention recommendations and fair work action plan commitments on collective bargaining.

I recently chaired the Scottish Labour trade union group meeting. We had a room full of trade unionists and the agenda had about 25 items on it, most of which were about issues in Scotland. I am being robust about the Tory Government, but we, too, need to do better. That means that local government and other public sector employers need to do better, too.

We have heard a lot of references to the House of Commons library, and I am sure that there is important reading material there. I am concerned that the Tory amendment—I see that Liam Kerr is waving at me—is really trying to provide cover for the UK Government. However, let us not be apologists. The UK Parliament's Joint Committee on Human Rights has called out the bill, stating in no uncertain terms that the UK Government

"has not adequately made the case that this Bill meets the UK's human rights obligations".

I wish Murdo Fraser well in recovering from his injury, but a lot of cherry-picking is going on to make out that Tory Britain is a leader when it comes to workers' rights when we know that that is absolutely not the case.

I have taken a couple of interventions, so time is now short. I know that, previously, there was time in hand.

With the cost of living crisis, this is a tough time in the country for workers. Christmas is not going to be a peaceful and joyful time for many of our constituents, but union-busting Governments will not win. As the Scottish Trades Union Congress general secretary Roz Foyer has said, workers will not be turned into slaves. Trade unions are the

last line of defence for workers and communities, which is why we stand by them. The message from the Parliament today needs to be that we have to get the Tories out of Downing Street as soon as possible. That is vital for workers and the economy, and it is in the national interest.

15:51

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** To return to a couple of the strongest themes of the debate, I note that the Conservative approach is to say that the bill does not really affect Scotland, so why are we even discussing it? The reason, which Monica Lennon put her finger on when she talked about the underfunding of public services, is that, if there is a piece of legislation that will enable the suppression of wages in the rest of the UK, that will have a direct consequence in Scotland, and it will increase the pace at which the Tories run down our public services in this country. That is why it is extremely relevant.

**Brian Whittle:** How on earth can Keith Brown say that the bill will suppress wage rises in the rest of the UK? That is absolute nonsense, fundamentally.

**Keith Brown:** I imagine that Brian Whittle must be the only person in the chamber who cannot see the link between restricting trade unions' ability to strike and the suppression of wages. However, perhaps if he goes away and researches a bit, he will work it out.

There has been a great deal of talk over many years about legislation on trade unions in the UK, which has, more often than not, been caused by the UK Government of the day introducing legislation, or failing to repeal legislation, that actively seeks to curtail the effectiveness of trade unions. That is the case with this bill. I speak as somebody who was a trade union member for many years, as well as a branch officer and shop steward, and who went on strike during the Thatcher years—against a Labour employer, I should say—in 1989.

I do not necessarily want to look for points of difference between us and the Labour Party, but it is important to explain why Clare Haughey is not filled with trust in the Labour Party. As I said, it was the Labour Party that we had to campaign against and strike against in 1989. It was the Labour Party that initially made huge commitments in the 1990s to repeal very far-reaching Tory legislation but, in many cases, failed to do so, which has led to that loss of support. Many of us have dealt with Labour employers over the years.

I remember being threatened with legal action by an ex-member of this chamber for my trade union activities, and I remember my trade union,

Unison, encouraging Labour members to spy on SNP councillors and clype back—*[Interruption.]* I am not sure what is bothering Brian Whittle. I do not know whether he knows which debate he is attending. There is a long history of distrust and some merit in trying to overcome that distrust.

Michael Marra asked earlier whether the SNP should support Labour's stated intention. I was asked repeatedly in 2014-15 not to proceed with the biggest contract that the Scottish Government lets, which is the ScotRail contract, because Labour would be on in a second and would sort it all out, so we did not have to do it. That was eight years ago and we still do not have a Labour Government. Given Keir Starmer's track record, nobody believes that Labour will stay true to what it is saying now.

All of that means that our trade unions are in a difficult situation, and they have been for some years. If we look at the actions of the Scottish Government, that is the way to deal with trade unions. We should get into a discussion and, where possible, compromise. Crucially, we should recognise the role of trade unions and how they can help in providing public services.

**Monica Lennon:** The Labour amendment adds to the Government motion. That is constructive and shows that there is a lot of agreement. The amendment simply asks for support for Labour's new deal for working people. A message from this Parliament would reinforce what we want colleagues down the road to do. Is there a problem? Will the member vote against the Labour amendment tonight?

**The Deputy Presiding Officer:** I can give you the time back, Mr Brown.

**Keith Brown:** I have just explained a number of times why there is very little trust in what the Labour Party says it intends to do.

I should also say that strong trade unions are probably needed more now than they have been for many years. It is pretty obvious to any working person in Scotland or the UK just how much poorer their pay and conditions are now compared with just a few years ago. We know that wages have been largely stagnant in the UK for the past 15 years, while the cost of living has soared beyond all belief. According to the Resolution Foundation, an independent think tank that focuses on the living standards of low to middle-income workers in the UK, the average UK household is now £11,000 worse off in real terms than it was in 2008.

According to the Resolution Foundation, when we look at comparable countries such as France and Germany, we see that the typical French household is 11 per cent richer, and the typical German household 27 per cent richer, than the

typical family in the UK. On that, I am happy to apportion the blame where it deserves to be, which is, of course, the 14 years of failed austerity that we have had from the Conservative Party. However, most European countries, including France and Germany, have a far better and more collegiate approach to trade unions than the UK does. That is reflected in the worsening living standards in the UK. The Tories are responsible for the biggest fall in living standards in living memory. That is an appalling record for them to preside over.

Why does the UK Government focus on the continual strengthening of anti-trade union legislation? Why does it always focus on taking away people's rights, whether they are trans people, refugees or, in this case, trade union workers? Why is it always pandering to its base—I mean base in both senses of the word—by trying to attack people and by indulging in culture wars? The latest proposal, the Strikes (Minimum Service Levels) Act 2023, is just the latest in a line of anti-trade union legislation, introduced because the UK Government thinks that it appeals to its base supporters.

I remind the chamber that Scotland has not voted for the Conservative Party or any of its earlier iterations since 1955. In this coming election, which has been mentioned already, Scotland will have fewer representatives at Westminster than it does now—down to 57 from 59—whereas England will have 10 more. That means that, as a country, we will be even less able to stop legislation such as the Strikes (Minimum Service Levels) Act 2023. The Labour Party has to wrestle with itself. Daniel Johnson said that we should indulge in some self-analysis and reflection. If Labour were to get in next year, and if it were to repeal the act—two big ifs—what would prevent the same base, the Tory party, from getting in once again, two or three years after that? It would be the usual ding-dong of UK politics and workers in Scotland having to pay the price for being part of the union. That is what we are trying to avoid here. It would be just about the last nail in the coffin with respect to the UK's conduct of our affairs.

Keir Starmer's statements about his admiration for Margaret Thatcher worry me, given that this Parliament passed the Miners' Strike (Pardons) (Scotland) Act 2022. At that point, various commitments were made by the Labour Party, including that, if it ever formed a Government, it would go further and provide that pardon throughout the UK and that it would also consider compensation for those miners, given that the UK Government took more than £4 billion from miners' pension funds. I doubt whether Keir Starmer would even consider increasing protections for miners or compensating them.

That is why it is important that we support the motion. In the absence of the powers necessary to change the law, our opposition as a Parliament to the Strikes (Minimum Service Levels) Act 2023 has to be absolutely clear. We can show what we would do differently if the powers over employment law were held in this chamber. For that reason, I support the motion in the name of Neil Gray.

**The Deputy Presiding Officer:** As I indicated, there is a bit of time in hand. If somebody wants to make an intervention, I encourage them to do so rather than shout it from a sedentary position.

15:59

**Maggie Chapman (North East Scotland) (Green):** I refer members to my entry in the register of members' interests. I am a member of Unite the union and a consultative member of the Aberdeen Trades Union Council.

Our public services across health, transport, fire and rescue, education and so much more are the lifeblood of our communities and the bedrock of our society. We all rely on them every day, whether we acknowledge them or not. Those services do not appear by magic, and they are not staffed and supported by fairies or elves. Those vital public services exist only because of the hundreds of thousands of people across Scotland who dedicate their lives to the service of their and our communities. Our nurses, firefighters, bus drivers, train conductors, teaching assistants—indeed, all who work in our life-sustaining public services—deserve our admiration and thanks. More than that, they deserve each and every one of us who has been elected to represent them to fight for their rights and conditions.

The Strikes (Minimum Service Levels) Act 2023 and associated statutory instruments drive not a cart and horses but a freight train through that. Lawyers, trade union activists, academics—indeed, people from across civic society—are clear that the legislation undermines the fundamental rights of workers, most notably their right to withdraw their labour, as Daniel Johnson and others have highlighted this afternoon. It disrupts the often delicate conditions in industrial relations, runs contrary to the principles of fair work, and adversely affects the workers, their wider communities and our broad commitment to social justice.

Scottish Greens are clear that workers' rights and their empowerment are fundamental to social justice. By mandating minimum service levels during strikes, the legislation restricts the ability of workers to voice their concerns effectively and to negotiate better working conditions. It effectively discourages alternative dispute resolution

mechanisms that prioritise dialogue and negotiation over legal restrictions. It sets up a much more adversarial and much less collaborative approach to collective bargaining.

Collective bargaining is a cornerstone of modern labour relations. Any law that limits the right to strike or other dispute resolution options diminishes the bargaining power of workers. That can lead to even more unequal power dynamics between employers and employees than already exist. Favouring the interests of the powerful over those who work for them will only perpetuate inequalities. Indeed, I believe that strong workers' rights are essential for building a fair and just society.

Rather than ensuring the continuity of essential services and safeguarding the interests of the public, the legislation that we debate today has the potential to destroy constructive and productive relationships between workers and their bosses. If we remember that public sector workers are also members of the public, it undermines trust in Government and legislators. The burden of employment and maintaining services should not fall so heavily on the backs of workers. Workers should not have to shoulder the responsibility for upholding the public good, often at the expense of their own wellbeing and job satisfaction.

The act's negative impact extends beyond the workplace and reaches into communities. By suppressing the collective voice of workers, the legislation weakens the ability of communities to advocate for fair labour practices and inclusive economic policies. Healthy communities thrive on the equitable distribution of resources and opportunities. Any legislation that weakens the position of workers undermines the social fabric that binds communities together. The act could negatively affect local communities and their needs, undermining the principle that decisions that affect communities should be made collectively.

Many, including the STUC, believe that the legislation contradicts the very essence of democratic principles. Democracy thrives on the participation and representation of all citizens, including workers, in decision-making processes. Limiting the ability of workers to voice their concerns through strikes diminishes their participation in shaping the policies that directly affect their lives.

The legislation clearly comes into conflict with the principles of social justice, solidarity and equality. Social justice seeks to create a society in which all individuals enjoy fair and equal opportunities, and workers' rights are fundamental to that pursuit. By restricting the right to strike, the act perpetuates inequalities and hampers the progress towards that more just and equitable

society. I was therefore pleased to hear the cabinet secretary say last month that he did not believe that such legislation had any place in a forward-looking country that seeks to build a fairer and more equal society.

I agree with much of the wording of the Labour amendment. Not only are Scottish Greens clear that fair work principles are intrinsic to our vision for a compassionate and caring economy; we also vehemently oppose the use of zero-hour contracts, fire-and-rehire practices and the other appalling actions that are mentioned in the amendment.

However, I share some of Clare Haughey's distrust of the Labour Party at Westminster. After all, under Blair and Brown, it had 13 years to undo all Thatcher's anti-trade union laws, and the party could have ensured that we would now be improving workers' rights in Scotland had it not vetoed the devolution of employment law during the work of the Smith commission.

**Michael Marra:** Will the member take an intervention?

**Maggie Chapman:** I was just about to conclude, but I will take Michael Marra's intervention.

**The Deputy Presiding Officer (Annabelle Ewing):** It should be a brief intervention, please.

**Michael Marra:** I appreciate the member giving way. Given the member's own mistrust of the Labour Party, does she not think that it would be best to vote for the amendment and put that extra pressure on the Labour Party to ensure that we deliver it? If she agrees with our set of reasons, surely she should vote for it.

**The Deputy Presiding Officer:** We have the gist of your intervention, Mr Marra.

**Maggie Chapman:** For a long time it has been clear that whoever governs Westminster has not needed Scotland's support. I would rather focus our efforts on what we can deliver here in Scotland.

The debate matters to us here in Scotland, because workers' rights should always matter to us. I express my solidarity with workers elsewhere in the UK who will be negatively affected by the legislation. We should stand up against any laws that undermine the principles of democratic participation and fair labour practices. Those must be central to any socially just society.

16:06

**Ivan McKee (Glasgow Provan) (SNP):** I am delighted to speak in the debate. It is important to recognise what the legislation is: primarily, it is an attack on workers' rights. Clare Haughey laid out

very well the history of Tory Government attacks on trade union rights over many decades.

The legislation seeks to undermine legitimate trade union activity. It also does not respect the fair work principles that are so central to the Scottish Government's approach to building a fairer and more successful economy. It is also an attack on devolution, as it impacts devolved areas, as has been highlighted by Government front-bench members and others. I commend the Scottish Government's position on not co-operating with the establishment of any minimum service orders that might come to pass as a consequence of the legislation.

It is important to recognise where we are. As front-bench members have made clear, the UK has a record of having a higher prevalence of lower pay, longer working hours, lower statutory sick pay and many other negative indicators compared with those in other independent European countries. I believe that that has led to our having a lower-growth and lower-productivity economy. As has been highlighted, Scotland has been missing out on EU workers' rights enhancements due to the Tory party's hard Brexit.

Meanwhile, we have an approach that seeks to avoid public sector strikes and that works constructively with trade unions. Trade unions are a key part of the democratic fabric of Scottish society, and have been for a very long time. It is important that we build on that as partners, taking forward the critically important fair work agenda. Like the Government, I recognise that we enshrine or include trade union representatives in our work with various sectors through the industry leadership group—indeed, I was delighted to be part of the process when I was a minister. That partnership has been recognised by Keith Brown and other members during the debate.

I am pleased that other members have highlighted that trade unions' importance lies not only in the domestic setting but internationally. Bill Kidd highlighted critical examples of why trade unions are an essential part of the democratic fabric of our society. It is also important to recognise the significant role that public sector workers and others in key sectors of our economy play in supporting all of us, particularly at this time of year, and in turn the role of trade unions in supporting the work that they do, as Maggie Chapman, Monica Lennon and others have highlighted.

It is important to recognise the attack that the act brings to bear on those rights. It is also important to recognise where we want to get to. The Scottish Government has been clear that we want to build an economy that is based on high wages, leading to high productivity and high innovation, and an economy that is strong in the

industries of the future. We are absolutely focused on working with trade unions and workers across all sectors—in the public sector and private industry—to build that economy. The link with treating workers well, having high wages and enshrining good conditions and rights in the economy and in legislation is a critical element that must be recognised if we are to build a high-productivity economy. Again, however, the act seeks to attack that and will be to the detriment of that.

What needs to happen next? The Scottish Government's approach in resisting the act is absolutely to be welcomed and supported. It is critical that we work to secure the devolution of employment law to this Parliament. We have debated that in the chamber on many occasions. In that area, however, Scottish Labour's position is ambiguous, to say the least, and really unhelpful. It has not come out with and is not taking forward a clear position that demands that a future UK Labour Government, should there be one, devolves employment law as a priority so that the Scottish Parliament can enshrine standards, regardless of what may happen at Westminster.

**Michael Marra:** Will the member make clear his support for repeal of the act and for our new deal for working people by voting for our amendment at decision time tonight?

**Ivan McKee:** It has been made clear by Keith Brown, Clare Haughey and others that, to be frank, we do not trust the Labour Party to deliver on that. The only way to secure those rights is for Labour to support the devolution of employment law and, of course, for us to secure full powers as a normal, independent country as soon as possible.

16:11

**Carol Mochan (South Scotland) (Lab):** I refer members to my entry in the register of members' interests as a member of Unite the Union and a lifelong activist in the trade union movement.

I join the majority of Parliament in condemning a disgraceful piece of legislation—the Strikes (Minimum Service Levels) Act 2023. We should be united in our opposition to cheap power grabs and we should speak with one voice against the UK Government's increasingly hostile and archaic agenda against workers. I am sure that it will not be long before the Scottish public let it know exactly what they think of that and of the dreadful way in which it treats the ordinary people of this country.

Trying to stifle legitimate democratic engagement and workers' representation across the UK is the kind of thing that we would expect from an authoritarian Government that is

desperate to cling on to power. However, I fear that that is not far from what Sunak's Tories really are. The public will speak in 2024, and the Tories' attempts to force through unworkable and unjust legislation will not change that. If they think that the problems in our society are caused by trade unions merely asking for a fair deal for workers, they are not opening their eyes at all. Public services, including our health services and our railways, are seriously underfunded, so all that they are saying is a smokescreen to stop people noticing the problems in our society that are caused by the dreadful Tory UK Government.

We cannot ban our way out of productivity and healthcare crises. We have to build something with the people who work in such fields at our side. I whole-heartedly agree with the Scottish Government that the Strikes (Minimum Service Levels) Act 2023 is designed to undermine legitimate trade union activity. In fact, I would go further and say that the intention is to destroy such activity and to ensure that generations to come do not have effective trade union representation.

That is why I am pleased that the Scottish Government has assured us today that there will be no minimum service level agreements or work notices in Scotland. That commitment is very welcome. I am sure that it is particularly welcomed by ScotRail and Caledonian Sleeper, which are important services that are owned and controlled by the Scottish Government.

In Scotland, we have a proud and noble history of workers' struggles. There is indeed a struggle. It is even called "the struggle". Sometimes, there is a struggle within our own labour movement, as has been discussed. However, that struggle pushes us to go further and to come together as trade unionists. I therefore ask the trade unionists on the benches opposite me to come together with us on the issue. In other times, we have stood together on picket lines to ensure that workers' rights are upheld. We will stand at any chance to do that. I therefore ask members to support the Scottish Labour amendment.

**Keith Brown:** I appreciate the reasonable tone that Carol Mochan has adopted, but does she understand the point that SNP members are trying to make, which is that what any Labour Government does can be changed as soon as another Conservative Government gets elected—or can she guarantee that there will never be another Tory Government to repeal the legislation? That is why we should devolve the matter: then, at the very least, it would always be in the hands of this Parliament.

**Carol Mochan:** I speak from the heart. If I were to ask Keith Brown about every single thing that his party's front bench has not delivered, we would never move forward.

At this moment, the Scottish Parliament can say to the UK Parliament that trade unionists are united on the matter, and that we believe in the fair work principles that Scottish Labour will fight tooth and nail to establish during the first 100 days of a Labour Government. I say to members: back the new deal tonight and show where you stand as trade unionists.

As I said, the workers' struggle is strewn throughout the fabric of our nation. As long as there is a Labour Party, as long as there are trade unionists and as long as there is such a movement, we will continue, working together, to be the cornerstone of progress—and there will be progress if we work together as trade unionists.

The result of allowing legislation such as the 2023 act to take hold is simply a transfer of power from those who have the least to those who have the most. It is a green light to cutting wages and benefits in key sectors and to beginning a race to the absolute bottom. It is about the rich taking from the poor. If we want to fight that, we need to take every opportunity to back things that might do so.

Freedom for the rich while the poor know their place is what the Tories want. Let us come together. Let us stand as the Scottish Parliament and as trade unionists together, and back Labour's amendment and the new deal for working people within the first 100 days of a Labour Government, which would repeal the terrible legislation from the awful Tory Government.

The new deal for working people has been described by the TUC as the biggest expansion in workers' rights in decades. I ask members to support the amendment so that we can change the outcomes for the hard-working families who have been hammered since 2010. For the last time, I ask members to back the amendment.

16:18

**Liz Smith (Mid Scotland and Fife) (Con):** I put on the parliamentary record that, in my previous life, before I was elected to Parliament, albeit that it was some time ago, I was a member of a trade union—the Scottish Secondary Teachers Association—because I believe that unions have a vital role to play. I therefore do not accept that Tories are anti trade unions.

This is all about seeking the right balance between the democratic right to strike and maintaining of public services—most especially, essential and emergency services. The balance is complex and delicate, but it is important. On the one hand, the right to strike is a fundamental right of labour. It allows workers to collectively voice their grievances and negotiate for better working conditions, wages and benefits. In other words, it is a crucial tool for workers to exert pressure on

employers and ensure that their rights are protected.

On the other hand, as we all know, public services are essential for the functioning of the economy and society, and most especially for the wellbeing of its citizens, whether through healthcare, education, transport or emergency services. Although we all accept that strikes inevitably mean disruption, we have seen in recent times that the scale of those disruptions to essential services has had particularly severe consequences that have impacted on the general public, on vulnerable populations and, of course, on the economy as a whole.

**Carol Mochan:** Will the member take an intervention?

**Liz Smith:** I will not, if you do not mind.

To achieve the right balance, many countries have established legal frameworks that regulate the right to strike in the context of public services. In his opening remarks, Murdo Fraser rightly gave examples from other countries and pointed out that although the frameworks might differ, they include restrictions such as mandatory negotiation periods, minimum service requirements and arbitration mechanisms. Collectively, those measures aim to secure essential services being maintained to a certain extent during strikes, thereby minimising their impact on the public.

Additionally, as several other members have stated, dialogue and negotiation between unions, workers and employers are crucial in finding compromises that address workers' concerns while minimising disruption to public services. Open communication channels, mediation and alternative dispute resolution methods help to facilitate that process, even if it takes time. However, sometimes they fail, and that is what the issue is in this debate.

We know how many working days were lost last year, and I am sure that similar statistics will emerge for this year. I will not rehearse examples of the very small minority of striking individuals who deliberately choose to obstruct blue-light services from accessing emergency sites—I have a constituent who suffered as a result of that—or who choose to bring transport networks to a complete standstill, or who choose to cut off and wilfully damage energy networks. However, those are clearly situations that have very considerable impacts on the public, rather than on those with whom the strikers are in dispute. That, as far as the public is concerned, is inexcusable.

At its simplest level, the Strikes (Minimum Service Levels) Act 2023 is designed to ensure that a necessary level of services is maintained when protesters are exercising their democratic rights.

**Maree Todd:** In the healthcare service in England, for example, 125,000 in-patient procedures and nearly 1 million out-patient appointments have been cancelled. That is incredible harm. The public are not cross with the striking workers for that; the public are furious that the UK Government has let the dispute get to the stage at which people have to withdraw their labour. There have been no strikes of that scale in Scotland, because this Government is willing to negotiate and work in partnership with our healthcare workers' unions.

**Liz Smith:** Because of the general data protection regulation, I am not at liberty to show the minister correspondence with one of my constituents, who I am afraid would have a very different point of view from that which the minister has just stated.

**Keith Brown:** Those are facts.

**Liz Smith:** I am sorry? Do you want to intervene?

**The Deputy Presiding Officer:** Please resume your seat for a second.

If a member wishes to participate in the debate, they know how to do that, and it is not from a sedentary position.

Please continue.

**Liz Smith:** For the SNP, the debate seems to be about its usual line that everything that emanates from Westminster has to be wrong, and has to be opposed. I am afraid that I struggle with the assertion that the act undermines devolution. The legislation relates to reserved matters that affect Scotland. Colleagues have mentioned border security, nuclear decommissioning and passports. As several people have now said, the act does not impact on devolved responsibilities, because the Scottish Government is not obliged to mandate minimum service levels. My colleague Liam Kerr read out the notes that accompany the legislation. The argument that it undermines devolution simply does not hold water.

**Maree Todd:** Will the member take an intervention?

**Liz Smith:** No—I am in my last bit.

Given what I have said, we should be concentrating on issues in devolved politics. Whether the SNP likes it or not, there is a long list of critical challenges, such as those that were mentioned in the motion for the education debate that took place in Conservative time yesterday.

As far as I am concerned, this debate is unfortunate in many ways, but the legislation is about striking the right balance between the democratic right to strike and ensuring provision of

essential services. Quite frankly, I do not see how anyone could oppose that.

**The Deputy Presiding Officer:** Before we move to the closing speeches, I note that we are missing two members, one of whom is the cabinet secretary. It is discourteous to those who have participated in a debate not to be present for the closing speeches. I hope that I receive an apology from both members concerned.

16:25

**Michael Marra (North East Scotland) (Lab):** I hope that the cabinet secretary has not felt it necessary to withdraw his labour at this moment in the proceedings.

Let us be clear: there is widespread agreement among most members that the Strikes (Minimum Service Levels) Act 2023 is an atrocious piece of legislation that has emanated from the Tory Government at Westminster. I think that most of us recognise exactly why it introduced it. It is simply an attempt to distract from a dreadful record on the economy and public services across the UK. With a general election on the horizon, the Tories know that they have nothing positive whatsoever to offer this country.

None of this is really about the safe operation of public services in this country. As Daniel Johnson pointed out, the approach simply does not work. We know that more days are lost to industrial action in countries that have these provisions than in the UK. It was a Tory adviser who told us that the provisions promise more strikes than they will mitigate.

Trade unions already put in place agreements and arrangements to ensure that, when people exercise their basic human rights and withdraw their labour in order to protect the safe delivery of lifeline public services, lifeline services are protected in this country. The legislation is part of an incessant attempt to draw Labour into culture war dividing lines, with one part of our country pitted against another, and to sow division and hatred with manufactured controversies in order to do anything at all to distract from the Tories' disastrous record of incompetence, corruption and party division.

I cite calls to get the woke out of academia; a made-up war on motorists; fictitious taxes on meat; the seven deadly bins; the war on tofu and chai lattes; the despicable and now farcical Rwanda policy; the Prime Minister's confected and infantile tantrum over the Elgin marbles; and summoning a far-right mob to the cenotaph when we were remembering our dead. Is there no depth to which the Conservative Government will not sink? Is there no issue of respect or decency that remains sacrosanct in its desperate attempts to

change the conversation from being about its economic vandalism and the shockingly weak leadership of a Prime Minister who is waiting to be put out of his misery by the electorate if his own party does not get him first?

It was right of Bill Kidd to remind us, in contrast to all that, of the moral contribution of trade unions, such as their fighting apartheid in South Africa. I also commend Keith Brown for reminding us, in a very important contribution, that the suppression of wages in the UK due to Tory austerity lessens the bargaining power of workers in Scotland in their fight for better wages from the Scottish Government and private companies. In essence, attacks on workers anywhere are attacks on workers everywhere. That is a fundamental premise of what trade unionism is about.

I am afraid that Mr Brown's contribution went downhill somewhat after that. It is fundamental for the SNP to understand that the struggle for workers' rights is never won. It is not won by one piece of legislation; it has to be rewon every day. That is why we are members of trade unions. I proudly remind members of my entry in the register of members' interests. I have been a trade union member since I was able to join a trade union.

**Keith Brown:** Will Michael Marra acknowledge the point that I was trying to make? He is right to say that the struggle is never won, but surely we would be much more secure if the Scottish Parliament had the powers over those issues so that they could not simply be trumped by the election of another Tory Government in the future. Why can he not support that, as the Labour Party used to do a few months ago?

**Michael Marra:** I remind Mr Brown that not everybody in this country is immune to the appeal of right-wing populism. He does not have to look very far from the recent split in his own party and the emergence of Alba to see what the appeal of some of those people can be. Despite what we might like, and no matter how much we object to such views, there are people who hold them. In a democracy, that struggle has to be rewon time and again, and independence is no salve to that. That argument will have to be made and won by progressive parties in this country until we run out of democracy—and woe betide all of us if that were to be the case.

In a timely and typically impassioned contribution, Carol Mochan endorsed the position of the TUC and the STUC in talking about the generationally transformative nature of Labour's proposed new deal for working people. I say to members of the Green Party and the SNP that, if they genuinely want to support something, they have to vote for it. If they want the legislation to be repealed, they will have to vote for a Government



that will do that. They have to exert pressure. If they do not trust the Labour Party, they should tell us in today's vote what we should be doing. If they are saying that those are things that they believe in, good God, they should vote for them by voting for the Labour amendment.

Scotland's governing party has much work to do on fair work. Despite the Scottish Government's commitment to making Scotland a leading fair work nation by 2025, the Fair Work Convention last month described Scotland's performance as "mixed". According to it, Scotland ranks fifth out of nine comparator small countries; our disability employment gap is 31 percentage points, which puts us second bottom of that list of comparator countries; and 29 per cent of workers in non-permanent work are there by choice, whereas that figure is 4 per cent in Austria and 7 per cent in Iceland. So much more needs to be done by this Government and by all parties across the country that claim to be progressive.

The right to withhold one's labour is a fundamental human right, and it is essential to the fabric of our society and our economy, which depends on a healthy and safe workforce. The two things that have secured the most in terms of workers' rights in this country are the right to strike—industrial action—and the achievements that have been won under Labour Governments. Those freedoms were hard fought for and hard won. Trade unions and the labour movement more broadly have an unrelenting task in holding back the tide of Tory anti-worker policies.

**The Deputy Presiding Officer:** Mr Marra, I hope that you are concluding.

**Michael Marra:** I will conclude, Presiding Officer.

On that basis, the position that the Tories have taken in their amendment is spurious, and I beg and implore SNP and Green members to vote for what they claim to believe in.

16:32

**Brian Whittle (South Scotland) (Con):** This has been a debate with lots of sound and fury but not a lot of substance. Of course, that is what the SNP was probably aiming for. Sound and fury are good if you are trying to cover the deafening silence on how the Scottish Government proposes to deal with the abysmal PISA scores, an NHS in crisis and years of economic mismanagement that are coming home to roost.

Murdo Fraser and Liam Kerr forensically dismantled the cabinet secretary's position and, quite frankly, showed the debate to be the farce that it actually is. Today is just another example of the SNP filling the void of competence with

righteous indignation, leaving Opposition members to bring forward devolved topics, as highlighted by Liam Kerr.

Turning to the subject of today's debate, I do not propose to spend much time highlighting how disingenuous the SNP motion is, not least because my colleagues Murdo Fraser and Liam Kerr have already done so. However, it seems to me that the SNP is attempting to out-Labour Labour. As Liam Kerr noted, at least Labour is consistent in its approach, however much we may think that that is flawed.

We need to draw a distinction, in this discussion, between workers' rights and trade union powers because they are not the same, even if it benefits some to suggest that they are. Let us be clear: the Scottish Conservatives support workers' rights, as do all Conservatives. The first health and safety measures for working with machinery, the decriminalisation of trade union liability and the legalising of picketing, the introduction of paid holidays and the introduction of rights against unfair dismissal are a few of the improvements to workers' rights that have been brought in by Conservative Governments.

This legislation is not about eroding workers' rights. It is about ensuring that everyone, including workers, can still rely on a basic level of essential public services during industrial disputes and that, when a trade union proceeds with the nuclear option of strike action, the disruption that is caused is not disproportionate. We are not talking about banning strike action but talking about reducing the potential for indirect harm as a result of it.

There is a hugely important place for trade unions in Scotland to stand up for workers and, when necessary, to take forward strike action. However, the debate that we are having is driven by the Scottish Government's unwillingness to do anything that risks upsetting trade unions. The nature of relations between employer and employee always comes with a certain level of tension and continual debate about balance. In this case, as Liz Smith said, we are talking about the balance between the right of those who provide essential public services in healthcare, education and public transport to strike, and the right of the wider public to expect those public services to be available when they need them.

Strike action is, at its most basic level, a tool of leverage in a negotiation. The right to deny their labour in protest at unfair treatment is one of the most basic rights that any worker has, and to place restrictions on it is not something that any Government should do lightly. However, there has long been a recognition that the right to strike is not absolute. Police officers are not permitted to strike, while secondary strikes in sympathy with other strikes are against the law, and so on.

Similarly, legislation on minimum service levels is not unique to the United Kingdom, as Murdo Fraser and Liam Kerr outlined. As Liam Kerr said, it is a strange position for the Scottish Government to take—

**Michael Marra:** Can the member tell us what has happened over the past two years that requires the dial to be moved in the direction of further restrictions? What are the instances that he feels have been harmful to the public as a result of industrial action?

**Brian Whittle:** I do not accept that the dial has moved. This is about striking a balance, which we will always debate, because there will always be tension in it.

**Neil Gray:** I apologise, Presiding Officer. I have written to you and I am in the process of writing to Mr Marra to apologise for missing the opening of his speech.

Why on earth would the Conservative Party be willing to see the universal opposition that there has been to the legislation from the trade union movement, both domestically and internationally, if this is about getting the balance right? Quite clearly, it is getting the balance wrong.

**Brian Whittle:** What a surprise that the trade unions are against the legislation!

I will give the cabinet secretary a little indication. During negotiations, you have to take the contrary position sometimes. When you are taking hard decisions—

**Neil Gray:** To avoid strike action.

**Brian Whittle:** Strike action can be avoided. I will come to that in a little bit, if I may.

There are those who argue that any legislation that limits the rights of trade unions to launch strike action is unfair and harmful to industrial relations. However, I argue that it is the responsibility of any Government to weigh that harm against the potential harm and disruption from the loss—even if it is temporary—of key public services. The Government, like any employer, has a balance to strike between spending on its workforce to provide good pay and conditions and spending on other costs. There is a balance between decisions that have benefit in the short term and those that are right for the long term. No Government can credibly satisfy all people all the time, but in the SNP we have a Government that consistently prioritises the short-term gain even when that stores up long-term pain. Its unwillingness to make hard choices for the long term has consequences for all of us.

**Daniel Johnson:** Will the member give way?

**Brian Whittle:** I will just finish my point.

Although the SNP has been quick to pat itself on the back every time it has avoided strike action when the rest of the UK did not, that came at a cost—specifically, a public sector wage bill that is predicted to have risen by at least £1.7 billion more than anticipated on the back of settlements that sit well outside the Government's public sector pay policy. Regardless of whether we believe that the pay deals were at the right level or not, that bill must be paid. Whether it is a lack of willingness or a lack of ability to take a firm negotiating line with trade unions, the outcome is the same. The actions of the Scottish Government will leave the public paying the price.

**Neil Gray:** I do not know whether Mr Whittle has recognised that there has been a UK cost crisis and that inflation in the UK has spiralled, which has meant that it is absolutely right that we seek to give fair pay settlements to public sector workers. I would have hoped that Mr Whittle would have agreed that that is the right thing to do. Giving front-line public service workers more money also supports the economy, as low-paid workers spend disproportionately more in their local economies, thus supporting local businesses and communities. It is a virtuous thing to do.

**Brian Whittle:** It will be interesting to have a conversation after we have seen next week's budget, given that the Government has a £1.5 billion black hole to fill and is spending money that it does not have—[*Interruption.*]

**The Deputy Presiding Officer:** Mr Whittle, please resume your seat. If members want to intervene, they know how to do that; otherwise, the person who has the floor has the floor, and we do not need sedentary commentary.

**Brian Whittle:** To come back to Liz Smith's comments about balance, although the legislation that is being debated asks us to consider the balance between the public's right to essential services and the right of trade unions to disrupt those services in pursuit of a better deal for those who provide them, it also raises the wider question of how the Scottish Government balances its priorities.

What we have is more evidence—if it were needed—that the SNP Government has its priorities all wrong. Just days before a budget that is set to tell everyone in Scotland that they will pay the price for the SNP's economic incompetence, the SNP has chosen to waste a debate in the chamber on taking pot shots at the UK Government for a piece of legislation that the Scottish Government has said that it will not apply, as Murdo Fraser pointed out. This is a distraction—pure and simple. If the Scottish Government put even half the effort that it puts into political game playing into supporting Scotland's businesses, we would be in a far better

place; instead, we see yet again that the only economy that grows under the SNP is the grievance economy.

16:41

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** Today's valuable debate has highlighted two important points. The first is the essential progressive role that trade unions play in delivering our fair work and economic wellbeing ambitions. The second is that a discernible trend has emerged over the years under the Tory Government that is characterised by the persistent erosion of workers' rights, which the Scottish Government will continue to defend against where we have the power to do so.

I have been and always will be a strong supporter of trade unions and their rights. In social care, which is in my current portfolio, I want the unions to be a key partner in helping us to build a strong national care service.

As we move forward, our commitment to partnership with trade unions will remain unwavering, and we will persist in advocating for the devolution of employment powers. It is heartening to note a growing recognition of the pressing need for that crucial step among the wider trade union movement and the Scottish Parliament, but it is disappointing that, despite the growing recognition among the labour movement in Scotland that those powers should be devolved, senior UK Labour politicians continue to side with the Conservatives to block that. Labour's deputy leader, Angela Rayner, and the shadow Scottish secretary, Ian Murray, have both in recent months ruled out supporting the devolution of employment law to the Scottish Parliament. I hope that Scottish Labour colleagues in the chamber will continue to encourage their colleagues at Westminster to support our calls.

**Michael Marra:** I welcome the minister's point about trade unions being a partner in stopping her disastrous policies on the national care service as they stood; it was right that she listened to them. Does she recognise that the Labour amendment sets out a series of principles that should be delivered in government? Her back benchers are saying that they will not vote for something because they do not think that it will happen, which is a strange position to take.

**Maree Todd:** The Labour amendment asks us to trust that Labour will win the general election, which is a big if. It asks us to trust that, if Labour wins, it will repeal the legislation—again, that is a big if. Forgive me if my colleagues and I are not content to wait for our neighbours in England to vote in a Labour Government occasionally to fix

the problem. That has been my life experience. I was seven years old—

**Michael Marra** rose—

**Maree Todd:** Let me finish this point. I was seven years old when Margaret Thatcher took power in the UK. In the intervening 43 years, we have had a Labour Government for 13 years. In that period, Scotland has never voted for a Tory Government, but it gets a Tory Government time and time again if England votes for that.

**Michael Marra:** I appreciate the minister giving way again. I want to wait as short a time as possible for this legislation to be repealed. Does the minister not agree that there is more chance of that happening with the general election next year than with the idea that we might have independence sometime in the next decade? The way to get the legislation repealed in the shortest time possible is to get a Labour Government. Why will she not back the amendment tonight?

**Maree Todd:** Labour has failed to devolve employment law to Scotland. The full devolution of employment law to the Scottish Parliament would enable us to pursue fair work goals such as setting the minimum wage and improving gender pay gap reporting. Those powers would enable us to create fairer workplaces that bolster workers' rights in Scotland and contribute to combating poverty. That is what Scottish people want and it is what Scottish people keep voting for.

Yes, members on the SNP benches would like to go a step further, because only with independence will Scotland have the full range of economic and other policy tools to take decisions based on Scotland's own needs. A new approach to fair work could be developed in an independent Scotland, with full control over employment law, equality legislation, industrial relations and social security, enabling us to tackle inequalities. With independence, we would have the power to introduce progressive measures such as a real living wage and increased statutory sick pay. Independence would enable us to grow a green economy, tackle poverty head on and create opportunities to thrive, giving us the chance to replicate the success of our neighbouring countries, which are so much more prosperous, so much more productive and so much fairer than the UK.

This debate has confirmed widespread opposition to the most recent of the UK Government's anti-union legislation.

**Carol Mochan:** I think that the minister was in the chamber when I made my speech. We are trying to come to some agreement. I could stand here and say that my son has lived his entire life under an SNP Government and that I am not sure that he is getting the delivery of education that he

deserves. However, we are asking that we come together and agree on something that would make a big difference in the short term. Will the minister join us on that point?

**Maree Todd:** I will be clear—there is a lot of consensus between us and Labour on the issue. Along with the Welsh Government, the STUC and the TUC, we oppose the act. It is opposed by Westminster Opposition parties and the House of Lords, and it even drew criticism from members of the Conservative Party as it went through Parliament. As my colleague stated at the outset, during a cost of living crisis, the Government should be working with the public sector and the trade unions to reach fair and reasonable settlements, respecting the legitimate interests of workers and not seeking to curb that right to strike.

I have tried to explain to my Conservative colleagues that, for rail transport, it is not at all clear that people who work for the Glasgow subway, the Edinburgh trams, ScotRail, the Caledonian sleeper service or Network Rail will be protected from the minimum service legislation. However, let me speak very clearly about the health service. The consultation on minimum service levels for hospitals, which just closed on 14 November, was for hospital services in England, Scotland and Wales.

**Brian Whittle:** Nonsense.

**Maree Todd:** That is a reality. The member is shouting from a sedentary position that it is nonsense, but it is absolutely true. The UK Government has consulted Great Britain-wide—not in Northern Ireland, but in England, Wales and Scotland. We are expected to trust that the precedent of non-application in Scotland of the ambulance service regulations will be followed for the upcoming hospital service regulations. The decision to introduce such regulations in Scotland or not—contrary to the position that my Conservative colleagues have put forward—is entirely up to the secretary of state. In the case of hospital regulations, that means that it is Victoria Atkins who makes the decision, not the Scottish Government. It is entirely unclear what will happen if health boards do not issue work notices. We do not know what will happen after that.

I reiterate that the Scottish Government remains strongly opposed to the Strikes (Minimum Service Levels) Act 2023 and any associated secondary legislation that could be applied in Scotland and could therefore encroach on devolved services. We view the legislation as unnecessary, unwanted and ineffective. It seeks to undermine legitimate trade union activity, and it does not respect fair work principles. The Scottish Government firmly believes that a progressive approach to industrial relations and to trade unionism lies at the heart of a fairer and more successful society. The right to

strike for fair pay and for safe working conditions should be an integral part of the rights of citizens in Scotland and across the UK.

We are committed to working with the STUC and affiliates in responding to the cost of living crisis, creating a wellbeing economy and working towards a just transition to net zero. That is in complete contrast to the UK Government, which continues to take an anti-trade union, anti-fair work stance. Our distinct approach is based on partnership working and our endorsement of the Fair Work Convention's framework. We call on the Parliament to recognise and endorse that approach.

**The Deputy Presiding Officer:** That concludes the debate on the application of the Strikes (Minimum Service Levels) Act 2023 in Scotland.

## Motion without Notice

16:52

**The Deputy Presiding Officer (Annabelle Ewing):** I am minded to accept a motion without notice under rule 11.2.4 of standing orders that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time shall begin at 4.52 pm.—[George Adam]

*Motion agreed to.*

## Decision Time

16:52

**The Deputy Presiding Officer (Annabelle Ewing):** There are three questions to be put as a result of today's business. I remind members that, if the amendment in the name of Murdo Fraser is agreed to, the amendment in the name of Daniel Johnson will fall.

The first question is, that amendment S6M-11652.1, in the name of Murdo Fraser, which seeks to amend motion S6M-11652, in the name of Neil Gray, on the application of the Strikes (Minimum Service Levels) Act 2023 in Scotland, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

There will be a short suspension to allow members to access the digital voting system.

16:53

*Meeting suspended.*

16:55

*On resuming—*

**The Deputy Presiding Officer:** I remind members again that, if the amendment in the name of Murdo Fraser is agreed to, the amendment in the name of Daniel Johnson will fall.

We move to the division on amendment S6M-11652.1, in the name of Murdo Fraser. Members should cast their vote now.

### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)

Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 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)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)

(SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division on amendment S6M-11652.1, in the name of Murdo Fraser, is: For 28, Against 85, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that amendment S6M-11652.2, in the name of Daniel Johnson, which seeks to amend motion S6M-11652, in the name of Neil Gray, on the application of the Strikes (Minimum Service Levels) Act 2023 in Scotland, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)

Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)

#### Abstentions

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division on amendment S6M-11652.2, in the name of Daniel Johnson, is: For 18, Against 91, Abstentions 4.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The final question is, that motion S6M-11652, in the name of Neil Gray, on the application of the Strikes (Minimum Service Levels) Act 2023 in Scotland, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 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)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division on motion S6M-11652, in the name of Neil Gray, on the application of the Strikes (Minimum Service Levels) Act 2023 in Scotland, is: For 85, Against 28, Abstentions 0.

### *Motion agreed to,*

That the Parliament considers the Strikes (Minimum Service Levels) Act 2023 to be unnecessary, unwanted and ineffective; further considers that the legislation, and any associated secondary legislation that could be applied in Scotland, encroaches on the devolved responsibilities of the Scottish Parliament in matters relating to health, transport, fire and rescue and education; notes that its measures seek to undermine legitimate trade union activity and do not respect fair work principles; recognises that trade unions are key social and economic partners in Scotland in responding to the cost of living crisis, creating a wellbeing economy and working towards a just transition to net zero; agrees that a progressive approach to industrial relations and to trade unionism is at the heart of a fairer, more successful society, and makes clear, therefore, its opposition to the Strikes (Minimum Service Levels) Act 2023 and to any associated secondary legislation that could be applied in Scotland.

**The Deputy Presiding Officer:** That concludes decision time.

*Meeting closed at 17:00.*



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