

**UNISON Cymru Briefing note for Senedd Members**  
**Employment Rights Bill - Legislative Consent Memorandum –**  
**Social Care Negotiating Body**

## **Purpose**

The purpose of this briefing is to inform Senedd Members of UNISON Cymru's position on the Legislative Consent Memorandum (LCM) relating to the Employment Rights Bill, which is due to be debated in the Senedd 15 July 2025.

## **Background**

UNISON is the largest public sector trade union with around 90,000 members in Wales working across public services. UNISON represents workers in the social care sector.

UNISON is in support of the provisions contained within the Employment Rights Bill and have participated in the consultation processes through UNISON Centre.

According to the latest figures collated by Social Care Wales, there are more than 85,000 adult and children's care workers registered in Wales. 37% of registered workers are employed by local authorities, with the remaining 63% working for commissioned providers.<sup>1</sup>

There is currently no sectoral bargaining on behalf of the social care workforce anywhere in the UK.

UNISON participates in social partnership arrangements on behalf of care workers in Wales.

UNISON continues to campaign for a National Care Service for Wales. The ongoing crisis in care is well-documented and is exacerbated through commissioning processes that prioritise low cost above all else.

As a result, the workforce is made up of predominantly low-paid women workers, a significant number of whom are from overseas. Current processes, profit motives, and the levels of fragmentation in the sector mean that the workforce is at risk of exploitation.

## **Key considerations**

UNISON is in favour of devolution and believe the UK government should respect devolution in Wales. However, UNISON believes the situation regarding the

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<sup>1</sup> [Workforce data report 2022](#)

Employment Rights Bill LCM is complex and the Senedd Members should support this LCM for the following reasons:

- Employment Rights are a reserved matter and are not enforceable at a Wales level. There is a risk that workers in the social care sector in Wales could be left behind if they are not in scope of a UK Social Care Negotiating Body, with employers only expected to provide the statutory minimum with regards to pay, terms, and conditions.
- This could significantly disadvantage more than 85,000 workers in Wales on a point of principle.
- If employment rights for care workers in Wales do not improve in line with the rest of the UK, there will be a cost. An already unstable workforce could be destabilised further with care workers seeking to work across the border in England for better rewards.
- Voluntary arrangements progressed and funded by Welsh Government, such as the payment of the Real Living Wage (RLW) for care workers, have proven to be unenforceable. UNISON has received numerous reports from care workers where providers have not passed on the RLW monies provided by Welsh Government to workers in their pay. In some instances, providers have used the funding to meet the increase in National Insurance. Welsh Government has no legal powers to enforce the payment of the RLW. Employment rights are reserved and instead Welsh Government must rely on trust and goodwill from providers.
- The Fair Pay Agreement is breaking new ground – there is no collective bargaining for care workers anywhere in the UK. Care workers in Wales deserve to have parity with their counterparts across the rest of the UK at the same time, rather than experience a delay.
- There is already a recruitment crisis in social care in Wales with a significant number of overseas workers helping to keep care services functioned. The UK government Immigration White paper seek to end overseas recruitment for social care visas after 2027. If pay and conditions for care workers in Wales do not keep pace with other parts of the UK, there is a risk of an increasingly unstable workforce that cannot be remedied through a reliance on overseas workers.

## Conclusions

UNISON recognises the pro-devolution arguments against giving consent, however, given the detrimental impact this would likely have on the tens of thousands of predominantly low paid female care workers in Wales, UNISON is clear that there is a solid, ethical rationale for supporting this LCM.

We are asking Senedd Members to fully consider the positive impacts of the LCM for progressing worker rights in a sector that drastically needs reform. UNISON is asking all Senedd Members to vote in favour of the LCM.

In return, UNISON Cymru pledges to continue to campaign for fair funding for Wales from the UK government. UNISON Cymru supports the long-term aspiration to establish a Social Care Negotiating Body for Wales, but we believe this should be developed at the right time. In the meantime, we believe our social care workforce in Wales deserve parity with the rest of the UK.