

*These notes refer to the Trade Union (Wales) Act 2017
(c.4) which received Royal Assent on 07 September 2017*

TRADE UNION (WALES) ACT 2017

EXPLANATORY NOTES

LEGAL BACKGROUND

9. The chief legislation on trade unions and employers' association is in the [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#). Historically trade unions were treated as illegal and contrary to public interest. At common law a worker who engaged in industrial action was considered to be in breach of his or her employment contract. A trade union inducing industrial action was committing an actionable tort contrary to the doctrine on restraint of trade. Trade union reforms between the 1800s and 1900s introduced legislation which conferred certain "statutory immunities" and overrode the established common law position.
10. That legislation was consolidated in the 1992 Act which defines trade unions and sets out the framework (including legal rights and duties) under which they may operate including the circumstances in which industrial action may be undertaken.
11. The 2016 Act amends the 1992 Act to make provisions (among other things) about the balloting requirements for official industrial action and inserts provisions about facility time in the public sector and the circumstances in which trade unions subscriptions may be deducted by public sector employers from their worker's wages. This Act disapplies those provisions in so far as they relate to public services provided by devolved Welsh public authorities, or relate more generally to the operations of such authorities.