



Deddf yr Undebau Llafur (Cymru) 2017

2017 dccc 4

Trade Union (Wales) Act 2017

2017 anaw 4

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

£6.00



Deddf yr Undebau Llafur (Cymru) 2017

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CYNNWYS

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- 2 Gwaharddiad ar ddefnyddio gweithwyr dros dro i gymryd lle staff yn ystod gweithredu diwydiannol
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Trade Union (Wales) Act 2017

2017 anaw 4

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Deddf yr Undebau Llafur (Cymru) 2017

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch gweithredu diwydiannol a gweithgarwch undebau llafur mewn perthynas â gweithrediadau awdurdodau cyhoeddus datganoledig a'r gwasanaethau a ddarperir ganddynt. [7 Medi 2017]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

1 Diwygiadau i Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992

- (1) Mae Deddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (*Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)*) (fel y'i diwygir gan Ddeddf yr Undebau Llafur 2016 (*Trade Union Act 2016 (c.15)*)) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 116B (cyfyngu ar ddiwynnu taliadau tanysgrifio i undebau o gyflogau yn y sector cyhoeddus), ar ôl is-adran (3) mewnosoder –
 - “(3A) But regulations under subsection (3) may not specify –
 - (a) a devolved Welsh authority, or
 - (b) a description of public authority that applies to a devolved Welsh authority.”.
- (3) Yn adran 172A (gofynion cyhoeddi o ran amser cyfleuster), ar ôl is-adran (2) mewnosoder –
 - “(2A) But regulations under subsection (1) may not specify –
 - (a) a devolved Welsh authority, or
 - (b) a description of public authority that applies to a devolved Welsh authority.”.
- (4) Yn adran 226 (gofyniad i undeb llafur gynnal pleidlais cyn gweithredu), ar ôl is-adran (2E) mewnosoder –
 - “(2EA) But regulations under subsection (2D) may not specify services provided by a devolved Welsh authority.”



Trade Union (Wales) Act 2017

An Act of the National Assembly for Wales to make provision about industrial action and trade union activity in relation to the operations of, and services provided by, devolved public authorities. [7 September 2017]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

1 Amendments to the Trade Union and Labour Relations (Consolidation) Act 1992

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 (c.52) (as amended by the Trade Union Act 2016 (c.15)) is amended as follows.
- (2) In section 116B (restriction on deduction of union subscriptions from wages in public sector), after subsection (3) insert—
 - “(3A) But regulations under subsection (3) may not specify—
 - (a) a devolved Welsh authority, or
 - (b) a description of public authority that applies to a devolved Welsh authority.”.
- (3) In section 172A (publication requirements in relation to facility time), after subsection (2) insert—
 - “(2A) But regulations under subsection (1) may not specify—
 - (a) a devolved Welsh authority, or
 - (b) a description of public authority that applies to a devolved Welsh authority.”.
- (4) In section 226 (requirement of ballot before action by trade union), after subsection (2E) insert—
 - “(2EA) But regulations under subsection (2D) may not specify services provided by a devolved Welsh authority.”

- (5) Ar ôl adran 297A mewnosoder –

“297B Devolved Welsh authorities

For the purposes of this Act a “devolved Welsh authority” has the same meaning as in section 157A of the Government of Wales Act 2006 (c.32).”

- (6) Yn adran 299 (mynegai o ymadroddion a ddiffinnir) ychwaneger “devolved Welsh authority” ac (yn y golofn gyfatebol) “section 297B”.

2 Gwaharddiad ar ddefnyddio gweithwyr dros dro i gymryd lle staff yn ystod gweithredu diwydiannol

- (1) Ni chaiff awdurdod datganoledig Cymreig hurio gweithiwr a gyflenwyd gan berson sy'n cynnal busnes cyflogaeth i gyflawni –

- (a) dyletswyddau a gyflawnir fel arfer gan aelod o'i staff (“S”) pan fo S yn cymryd rhan mewn streic neu weithredu diwydiannol arall, neu
- (b) dyletswyddau unrhyw aelod arall o'i staff a neilltuwyd i gyflawni'r dyletswyddau a gyflawnir fel arfer gan S.

- (2) Ond nid yw is-adran (1) yn gymwys pan fo'r streic neu'r gweithredu diwydiannol arall yn answyddogol.

- (3) At ddiben yr adran hon mae streic neu weithredu diwydiannol arall yn answyddogol pe bai'n cael ei ystyried yn “unofficial” at ddiben adran 237 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (*Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)*).

- (4) Yn yr adran hon –

mae i “awdurdod datganoledig Cymreig” yr un ystyr â “devolved Welsh authority” yn adran 157A o Ddeddf Llywodraeth Cymru 2006 (*Government of Wales Act 2006 (c.32)*);

mae i “busnes cyflogaeth” yr un ystyr ag “employment business” yn adran 13(3) o Ddeddf Asiantaethau Cyflogaeth 1973 (*Employment Agencies Act 1973 (c. 35)*).

3 Dod i rym

Daw'r darpariaethau yn adran 1 ac adran 2 i rym ar ddiwrnod (neu ddiwrnodau) a bennir gan Weinidogion Cymru drwy orchymyn a wneir gan offeryn statudol (a daw'r adran hon ac adran 4 i rym ar y diwrnod ar ôl i'r Ddeddf hon gael y Cydsyniad Brenhinol).

4 Enw byr

Enw byr y Ddeddf hon yw Deddf yr Undebau Llafur (Cymru) 2017.

- (5) After section 297A insert—

“297B Devolved Welsh authorities

For the purposes of this Act a “devolved Welsh authority” has the same meaning as in section 157A of the Government of Wales Act 2006 (c.32).”

- (6) In section 299 (index of defined expressions) add “devolved Welsh authority” and (in the corresponding column) “section 297B”.

2 Prohibition on using temporary workers to cover industrial action

- (1) A devolved Welsh authority may not hire a worker supplied by a person carrying on an employment business to perform—
- (a) duties normally performed by a member of its staff (“S”) while S is taking part in a strike or other industrial action, or
 - (b) the duties of any other member of its staff assigned to perform the duties normally performed by S.
- (2) But subsection (1) does not apply if either the strike or other industrial action is unofficial.
- (3) For the purposes of this section a strike or other industrial action is unofficial if it would be regarded as unofficial for the purposes of section 237 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52).
- (4) In this section—

“devolved Welsh authority” (*“awdurdod datganoledig Cymreig”*) has the same meaning as in section 157A of the Government of Wales Act 2006 (c.32);

“employment business” (*“busnes cyflogaeth”*) has the same meaning as in section 13(3) of the Employment Agencies Act 1973 (c. 35).

3 Coming into force

The provisions in section 1 and section 2 come into force on whatever day or days the Welsh Ministers appoint by order made by statutory instrument (and this section and section 4 come into force on the day after this Act receives Royal Assent).

4 Short title

The short title of this Act is the Trade Union (Wales) Act 2017.



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