Trade Union (Wales) Act 2017

2017 anaw 4

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) 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".

Commencement Information

I1 S. 1 in force at 13.9.2017 by S.I. 2017/903, **art. 2**

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).

Commencement Information

I2 S. 2 in force at 13.9.2017 by S.I. 2017/903, **art. 2**

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.

Changes to legislation:
There are currently no known outstanding effects for the Trade Union (Wales) Act 2017.