

TRADE UNION (WALES) BILL –STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Mark Drakeford AM on 2 June 2017

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
4.	Section 1, page 1, line 25, leave out '297' and insert '297A'.	Adran 1, tudalen 1, llinell 26, hepgorer '297' a mewnosoder '297A'.	This amendment is consequential on amendment 5.
5.	Section 1, page 1, line 26, leave out '297A' and insert '297B'.	Adran 1, tudalen 1, llinell 27, hepgorer '297A' a mewnosoder '297B'.	<p>The purpose is to change the numbering of the provision to be inserted in the Trade Union and Labour Relations (Consolidation) Act 1992.</p> <p>The effect is to have sequential numbering taking account of another provision that has been inserted in the 1992 Act.</p>
6.	Section 1, page 1, line 31, leave out '297A' and insert '297B'.	Adran 1, tudalen 1, llinell 32, hepgorer '297A' a mewnosoder '297B'.	This amendment is consequential on amendment 5.
7.	<p>Page 1, after line 31, insert a new section —</p> <p>‘[] Prohibition on using temporary workers to cover industrial action</p> <p>(1) A devolved Welsh authority may not hire a worker supplied by a person carrying on an employment business to perform—</p> <p>(a) duties normally performed by a member of its staff (“S”) while S is taking part in a strike or other industrial action, or</p> <p>(b) the duties of any other member of its staff assigned to perform the duties normally performed by S.</p> <p>(2) But subsection (1) does not apply if either the strike or other industrial action is unofficial.</p>	<p>Tudalen 1, ar ôl llinell 32, mewnosoder adran newydd—</p> <p>‘[] Gwaharddiad ar ddefnyddio gweithwyr dros dro i gymryd lle staff yn ystod gweithredu diwydiannol</p> <p>(1) Ni chaiff awdurdod datganoledig Cymreig hurio gweithiwr a gyflenwyd gan berson sy'n cynnal busnes cyflogaeth i gyflawni—</p> <p>(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</p> <p>(b) dyletswyddau unrhyw aelod arall o'i staff a neilltuwyd i gyflawni'r dyletswyddau a gyflawnir fel arfer gan S.</p>	<p>The purpose of this amendment is to include a provision to place a duty on devolved Welsh authorities not to hire workers supplied by employment agencies (referred to in law as “employment businesses”) to carry on the duties of workers who are participating in strikes or other industrial action.</p> <p>The effect is to stop devolved Welsh authorities making arrangements with employment agencies to provide cover while workers are on strike.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>(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).</p> <p>(4) In this section—</p> <p>“devolved Welsh authority” (“<i>awdurdod datganoledig Cymreig</i>”) has the same meaning as in section 157A of the Government of Wales Act 2006 (c.32);</p> <p>“employment business” (“<i>busnes cyflogaeth</i>”) has the same meaning as in section 13(3) of the Employment Agencies Act 1973 (c.35).”</p>	<p>(2) Ond nid yw is-adran (1) yn gymwys pan fo'r streic neu'r gweithredu diwydiannol arall yn answyddogol.</p> <p>(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 (<i>Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)</i>).</p> <p>(4) Yn yr adran hon—</p> <p>mae i “awdurdod datganoledig Cymreig” yr un ystyr â “devolved Welsh authority” yn adran 157A o Ddeddf Llywodraeth Cymru 2006 (<i>Government of Wales Act 2006 (c.32)</i>);</p> <p>mae i “busnes cyflogaeth” yr un ystyr ag “employment business” yn adran 13(3) o Ddeddf Asiantaethau Cyflogaeth 1973 (<i>Employment Agencies Act 1973 (c. 35)</i>).</p>	
8.	Section 2, page 2, line 2, after ‘1’, insert ‘and section 2’.	Adran 2, tudalen 2, llinell 2, ar ôl ‘1’, mewnosoder ‘ac adran 2’.	<p>The purpose of this amendment is to apply section 2 which makes provision about the coming into force of section 1 to the provision as inserted by amendment 7.</p> <p>The effect is that this provision is to come into force on a day Welsh Ministers appoint by order.</p>
9.	Section 2, page 2, line 5, leave out subsection (2).	Adran 2, tudalen 2, llinell 5, hepgorer is-adran (2).	The purpose of this amendment is to remove the Welsh Ministers’ power to make saving, transitional

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			<p>or transitory provision.</p> <p>The effect is that a Commencement Order made under section 2 will not now include this power.</p>