

**Cyflwynwyd yr ymateb i ymgynghoriad y [Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol](#) ar [Y Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus \(Cymru\)](#)**

**This response was submitted to the [Equality and Social Justice Committee](#) consultation on [Social Partnership and Public Procurement \(Wales\) Bill](#)**

**SPPP 10**

**Ymateb gan: Cyngor Bwrdeistref Sirol Wrexham | Response from: Wrexham County Borough Council**

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# Cyngor Wreccsam / Wrexham Council

## **Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) – ymateb Cyngor Bwrdeistref Sirol Wreccsam i'r ymgynghoriad**

Mewn ymateb i'r cynnig canlynol:

- *Dyletswydd statudol ar rai cyrff cyhoeddus i geisio consensws neu gyfaddawd gyda'u hundebau llafur cydnabyddedig, neu (os nad oes undeb llafur cydnabyddedig) gyda chynrychiolwyr staff eraill, wrth bennu eu hamcanion llesiant a chyflawni'r amcanion hynny o dan adran 3(2) o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015*

Hoffem ddarparu'r sylwadau canlynol:

Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn rhoi dyletswydd ar awdurdodau lleol i bennu amcanion lles. Mae'r cynnig i gyflwyno dyletswydd i 'geisio' consensws neu gyfaddawd gydag Undebau Llafur cydnabyddedig neu gynrychiolwyr staff eraill i gyflawni'r ddyletswydd hon â'r potensial i danseilio gallu'r awdurdod lleol i gyflawni'r ddyletswydd: mae'r gair 'ceisio' yn amwys ac nid yw'n glir pa broses a fyddai'n cael ei dilyn os na cheir consensws. Rydym ni'n awgrymu geirio hyn yn fwy eglur gan nodi y dylai cyrff cyhoeddus ymgynghori gydag Undebau Llafur ac ati fel rhan o'r broses i bennu amcanion lles ac i gefnogi gwaith adeiladol mewn partneriaeth gymdeithasol. Mae cyfraith cyflogaeth yn nodi ein dyletswyddau mewn perthynas ag undebau llafur cydnabyddedig, rydym ni'n gweithio mewn partneriaeth ac mae gennym ni ddyletswydd i ymgynghori ynghylch materion ac amcanion penodol yn ymwneud â'r gweithlu. Yn achlysurol mae ein hamcanion yn wahanol ac felly efallai na fydd modd cael consensws, gan rwystro ein gallu unwaith eto i gyflawni'r ddyletswydd hon.

Mae undebau llafur yn un o'r nifer o fudd-ddeiliaid y mae awdurdodau lleol yn ymgynghori â nhw wrth baratoi eu hamcanion lles. Mae cynnwys gofyniad i geisio consensws neu gyfaddawd gydag un budd-ddeiliad uwchlaw eraill (e.e. y gymuned fusnes, y cyhoedd, Cynghorau Tref a Chymuned, cynrychiolwyr pobl gyda nodweddion a ddiogelir ac ati) – yn hytrach nag ymgynghori, yn arwain at y posibilrwydd o ddyrchafu ei gyfraniad/barn yn annheg uwchlaw eraill.

## **Social Partnership & Procurement Wales Bill – Wrexham County Borough Council response to consultation**

In response to the following proposal:

- *a statutory duty on certain public bodies to seek consensus or compromise with their recognised trade unions (or where there is no recognised trade union) other representatives of their staff, when setting their well-being objectives and delivering on those objectives under section 3(2) of the WFG Act 2015;*

we would wish to comment as follows:

The Well-being of Future Generations (Wales) Act 2015 places the duty to set well-being objectives on local authorities. The proposal to introduce a duty to 'seek'

consensus or compromise with recognised Trade Unions or other representative of staff in meeting this duty, has the potential to undermine the local authority's ability to meet this duty: the word 'seek' is ambiguous and it is not clear what process would be followed if consensus could not be reached. We suggest that this wording be clearer and that it reflect that public bodies should consult with Trade Unions etc. as part of the process to set the well-being objectives and in support of constructive working in social partnership. Employment law sets out our duties in relation to recognised trade unions, we work in partnership and have a legal duty to consult on specific workforce matters and objectives. On occasions our objectives may differ and therefore a consensus may not be achievable, therefore inhibiting our ability to again meet this duty.

Trade Union are one of many stakeholders a local authority consults with during the preparation of its well-being objectives. Including a requirement to seek consensus or compromise with one stakeholder above others (e.g. business community, public, Town & Community Councils, representatives of people with protected characteristics, etc.) – rather than to consult - has the potential to unfairly elevate their contribution / views over others'.