



# Pensiynau

Materion Cydraddoldeb



**Pensions**  
equality issues

The Teachers' Pension Scheme (TPS) includes discriminatory provisions, which the NASUWT is campaigning to remove.

The reformed TPS, introduced on 1 April 2015, is highly discriminatory and the NASUWT has consistently opposed it for this reason. During negotiations on TPS reform, the NASUWT repeatedly pressed the Westminster Coalition Government to carry out a fit-for-purpose equality impact assessment (EIA) into its planned TPS reforms before implementing them. The Department for Education (DfE) failed to do so. It had not previously collected the necessary equalities data and has failed to do so since.

The NASUWT continues to press for this data to be collected so that the full equalities impact of TPS reform can be assessed. The NASUWT believes that the reformed TPS design is discriminatory in several key aspects.

### **Adult survivor benefits for widowers, civil partners and same-sex married couples**

The NASUWT opposes and continues to campaign against the continuing discrimination against women, civil partners and same-sex married couples in the provision of TPS survivor benefits (sometimes known as family benefits).

In the TPS, a Scheme member's pensionable service determines their benefits and those of a surviving partner. However, for adult survivor benefits, not all pensionable service counts.

### **Discrimination against women in the TPS**

The following pension survivor benefits are paid to survivors of men and women members of the TPS who are opposite-sex spouses:

- benefits for widows – backdated to 1 April 1972;
- benefits for widowers – backdated to 6 April 1988.

## Discrimination against civil partners and same-sex married couples in the TPS

The following pension survivor benefits are paid to survivors of men and women members of the TPS who are same-sex spouses or civil partners:

- benefits for civil partners – backdated to 6 April 1988;

- benefits for same-sex married couples – backdated to 6 April 1988.

The current situation is that same-sex married couples and civil partners are treated less favourably than some opposite-sex married couples in respect of survivor benefits.

The benefits for same-sex married couples and civil partners are equal with those of opposite-sex married partners but only in respect of those for widowers, which include any service since 6 April 1988, rather than for widows, which include service from 1 April 1972.

The NASUWT is continuing to campaign for widows, widowers, civil partners and same-sex married couples to all have equal pension rights, including survivor benefit rights, and that the equalisation of survivor benefit rights must include service which is backdated to 1 April 1972 in the calculation of those rights. To do otherwise would mean the TPS perpetuating an unacceptable form of discrimination against women and lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) teachers.

The NASUWT led the campaigning and lobbying against this discrimination: In 2009, the NASUWT opposed the pensions exemption in the 2010 Equality Act, which permitted continuing discrimination against women and civil partners. The NASUWT lobbied Ministers on this issue. The NASUWT highlighted that the DfE has taken an unacceptable, discriminatory approach towards survivor benefits in the TPS. The DfE buried, in a consultation on employee pension contribution increases, an announcement that it intended to continue to discriminate against women and civil partners and that it intended to extend this discrimination to same-sex married couples.

The NASUWT opposed the DfE's announcement, calling for a full consultation on this issue. The Union also encouraged members to write to the DfE about this, placing template letters and relevant briefing materials

on the NASUWT website. In its response to the consultation, the DfE acknowledged that over half of the responses made use of NASUWT materials to argue against the continuation of discrimination against women, civil partners and same-sex married couples in the provision of pension benefits. The NASUWT appreciates members' engagement on this issue.

**Westminster Government Review of Pension Survivor Benefits under the Marriage (Same Sex Couples) Act 2013**

The Westminster Government undertook a review of survivor benefits for same-sex partners, widows and widowers under Section 16 of the Marriage (Same Sex) Couples Act 2013.

A Report of the review was published on 26 June 2014. There is an order making power in s.16(6) of the Act enabling the Secretary of State to introduce legislation to equalise or reduce differences in survivor benefits. The NASUWT took full opportunity of the Westminster Coalition Government Review to advance members' interests and responded in detail to the consultation.

The terms of reference of the Westminster Government Review were as follows: 'The review will investigate differences in occupational pension schemes between: same sex survivor benefits and opposite sex survivor benefits provided to widows; same sex survivor benefits and opposite sex survivor benefits provided to widowers; and opposite sex survivor benefits provided to widows and opposite sex survivor benefits provided to both surviving same sex married couples and to surviving civil partners.

The review will investigate what the costs and other effects would be of the elimination of these differences by the equalisation of survivor benefits. The review will consider the extent to which same sex survivor benefits are provided in reliance on paragraph 18 of Schedule 9 to the Equality Act 2010, and the extent to which same sex and opposite sex survivor benefits are calculated by reference to different periods of pensionable service.

The review will inform the Secretary of State's decision as to whether he should exercise his powers to change the law to eliminate or reduce differences in survivor benefits in occupational schemes;

**The costs of ending discrimination in the TPS**

The assumptions provided by the Treasury to the NASUWT indicated that the capitalised cost to the TPS of backdating all survivor benefits to 1972 would be in the region of £600 million with between one third and a half of this being in respect of backdated payments.

The Treasury also estimated that the whole of the capitalised cost across all public sector schemes would add around 0.2% of pensionable pay to employer contribution rates over a 15-year term. This is a relatively small figure and the NASUWT has argued that discrimination in the TPS should now end and that the ending of that discrimination is not only just, but is clearly affordable.

### **The outcome of the Westminster Government Review**

When the Westminster Government Review reported in June 2013, it failed to make any recommendations to end discrimination in occupational pension schemes, including the TPS. The Treasury simply reported the costs involved, which the NASUWT has already demonstrated are affordable and which many private sector pension schemes have already met.

The NASUWT believes that the Westminster Government has failed to discharge a basic equality duty and has allowed discrimination to continue. The NASUWT has stepped up its campaign for full pensions equality in response and supports the TUC petition calling for the equalisation of survivor benefits: [www.tuc.org.uk/survivorpensions](http://www.tuc.org.uk/survivorpensions).

The NASUWT has also produced a campaigning presentation for Local Associations and school groups, which can be found at the following link: [www.nasuw.org.uk/SurvivorBenefits](http://www.nasuw.org.uk/SurvivorBenefits).

The NASUWT leads the campaign for an end to adult pension survivor benefit discrimination. The Union seconded a motion at TUC Congress 2015 which was passed unanimously and committed the TUC to campaigning for an end to discrimination. NASUWT members are urged to lobby MPs, also using the materials on the 'campaigns' section of the NASUWT website. The NASUWT has further argued for the ending of the provision whereby adult survivor pensioners, who received their pension before 1 January

2007, surrender their pension if they remarry, enter into a civil partnership or cohabit. The NASUWT considers that full equality involves meeting the cost of retrospective claims where survivors have surrendered their pension.

### **Indexation of pension benefits**

The reformed TPS is a career average revaluation of earnings (CARÉ) scheme and annual pension earnings are revalued in accordance with an indexation formula. This is the Consumer Prices Index (CPI) + 1.6% for TPS members, providing that they do not leave pensionable service for more than five years, indexation is CPI only, which reduces the pension pot which that teacher eventually receives. The NASUWT opposes this provision, which discriminates against teachers who take career breaks. The most significant group of such TPS members are teachers who take career breaks to raise families, the majority of whom tend to be women.

For these same reasons, the NASUWT opposes the TPS provision which removes full and tapering protection from TPS reforms from teachers who are out of pensionable service for five years or longer. In February 2016, the Chief Secretary to the Treasury announced that the 2016 revaluation index for TPS members who are out of service would be CPI minus 0.1%. This was because of a negative 0.1% figure for one month in 2015. This would revalue the pension pot of teachers who are out of service downwards and the NASUWT wrote to the Chief Secretary to the Treasury to protest at this unacceptable, and potentially discriminatory, decision.

### **TPS flexibilities**

The reformed TPS includes new 'pensions flexibilities' which are available, at a cost, to teachers.

These are buying out the actuarial adjustment and buying faster accrual.

It is also possible to buy additional pension in largely the same way as it was before 1 April 2015 and purchase teachers' additional voluntary contributions (TAVCs) from Prudential.

The NASUWT is campaigning and taking industrial action to achieve a decent teachers' pension at a reasonable pension age and believes that teachers should not have to purchase additional pension to give them such provision. Many teachers with protected characteristics, as well as part-time teachers and teachers on temporary contracts, already suffer from low pay and intermittent work and will not be able to afford to purchase additional pension.

### **Access to the TPS – supply teachers**

Many supply teachers suffer from high levels of exploitation, including those who are victims of employment agencies which undercut national pay and conditions and whose teachers are in the TPS. The NASUWT has long campaigned for all teachers to be members of the TPS, including employment agency teachers.

Employment agencies should not be able to offer a cheap auto-enrolment pension, such as a National Employment Savings Trust (NEST), as an alternative to the TPS.

### **Employee contribution structure**

The NASUWT rejected the TPS Proposed Final Agreement (PFA) in March 2012. Some other unions, however, agreed to an average employee pension contribution of 9.6%, which the NASUWT demonstrated was unjustifiable and has consistently opposed. The agreement of these unions, representing less than 10% of the teaching profession, gave the Westminster Government the opportunity it needed to continue to attack teachers' pensions and to worsen the pension provisions of teachers in Wales.

Once the unacceptable figure of an average 9.6% employee pension contribution was set by the TPS PFA, the NASUWT argued vigorously for tiering of contributions, with the most progressive structure possible, in order to give some protection to the lowest-paid teachers.



- For further information on:**
- How the CARE scheme works;
  - How to access information about pension provision;
  - Buying additional pension.
- Go to: [www.naswvt.org.uk/PensionsMaterials](http://www.naswvt.org.uk/PensionsMaterials)

From 1 April 2015, teachers will have paid an average pension contribution of 9.6%, but the contribution structure has been tiered, with those who earn the least paying the least. In addition, part-time teachers have paid a contribution based on their actual salary, rather than their FTE salary, which was the case before 1 April 2015.

| Employee's contribution rate | Annual salary for the financial year 2015-16 |
|------------------------------|--|
| 7.4%                         | £0 - £25,999                                 |
| 8.6%                         | £26,000 - £34,999                            |
| 9.6%                         | £35,000 - £41,499                            |
| 10.2%                        | £41,500 - £54,999                            |
| 11.3%                        | £55,000 - £74,999                            |
| 11.7%                        | greater than £75,000                         |

The NASWVT also argued that pension contributions should be paid on the basis of actual, rather than full-time equivalent (FTE) salaries, for the same reason. The NASWVT has achieved these objectives in the TPS employee contribution structure from 2015-2019:

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Gwefan: [www.nasuw.org.uk](http://www.nasuw.org.uk)

Mae NASUWT wedi bodloni'r amcanion hyn yn strwythur cyfraniadau gweithwyr TPS:

| Cyflog blynyddol ar gyfer y flwyddyn ariannol 2015-16 | Cyfradd cyfaniad y gweithiwr |
|---|------------------------------|
| £0 - £25,999  | 7.4%                         |
| £26,000 - £34,999                                     | 8.6%                         |
| £35,000 - £41,499                                     | 9.6%                         |
| £41,500 - £54,999                                     | 10.2%                        |
| £55,000 - £74,999                                     | 11.3%                        |
| dros £75,000  | 11.7%                        |

O 1 Ebrill 2015 ymlaen, bydd athrawon yn talu cyfraniad pensiwn cyfartalog o 9.6%, ond caiff y cyfraniad ei gyflwyno fesul haen, gyda'r rheini sy'n ennill cyflog is yn talu llai. Ar ben hyn, bydd athrawon rhan-amser yn talu cyfraniad ar sail eu cyflog go iawn, yn hytrach na'u cyflog FTE, yn unol â'r drefn oedd ar waith cyn 1 Ebrill 2015.

### I gael rhagor o wybodaeth am:

- Sut mae'r cynllun CARE yn gweithio;
- Sut mae cael gwybodaeth am ddarparu pensiwn;
- Prynu pensiwn ychwanegol.

Ewch i: [www.nasuw.org.uk/PensionsMaterials](http://www.nasuw.org.uk/PensionsMaterials)

Mae NASUWT yn ymgyrchu ac yn gweithredu'n ddiwydiannol er mwyn sicrhau pensiwn athrawon teilwng wrth gyrraedd oedran pensiwn rhesymol ac yn credu na ddylai athrawon orfod prynu pensiwn ychwanegol er mwyn sicrhau darpariaeth o'r fath.

Mae llawer o athrawon a chanddynt nodweddion gwarchoddedig, yn ogystal ag athrawon rhan-amser ac athrawon ar gontractau dros dro, eisoes yn dioddef yn sgil cyflogau isel a gwaith ysbeidiol felly ni allant fforddio prynu pensiwn ychwanegol.

### **Mynediad i'r TPS – athrawon cyflenwi**

Mae llawer o athrawon cyflenwi yn cael eu hecsbloetio, gan gynnwys yr athrawon hynny sy'n rhan o'r TPS ac yn cael gwaith drwy asiantaethau cyflogi sy'n talu llai na'r cyflog cenedlaethol ac yn cynnig amodau gwaeth.

Mae NASUWT wedi ymgyrchu yn hir dros yr angen i sicrhau bod pob athro yn aelod o'r TPS, gan gynnwys athrawon asiantaeth cyflogi.

Ni ddylai asiantaethau cyflogi allu cynnig pensiwn cofrestru awtomatig yn rhad, megis yr Ymddiriedolaeth Cynilion Cyflogaeth Cenedlaethol (NEST) fel dewis arall yn lle'r TPS.

### **Strwythur cyfraniad gweithiwr**

Fe wnaeth NASUWT wrthod Cytundeb Terfynol Arfaethedig (PFA) TPS ym mis Mawrth 2012. Serch hynny, fe wnaeth rhai undebau eraill gytuno i gyfraniad pensiwn gweithiwr cyfartalog o 9.6%. Dangosodd NASUWT nad oedd modd cyfiawnhau hyn ac mae wedi gwrthwynebu'r cynllun yn gyson ers hynny. Rhoddodd cytundeb yr undebau hyn, sy'n cynrychioli llai na 10% o'r proffesiwn addysgu, y cyfle roedd ei angen ar Lywodraeth Glymblaid San Steffan er mwyn bwrw ymlaen i ymosod ar bensiynau athrawon a gwaethygu'r darpariaethau.

Ar ôl i PFA TPS bennu'r ffigur annerbyniol o gyfraniad pensiwn gweithiwr cyfartalog o 9.6%, aeth NASUWT ati'n frwd i ddadlau o blaid cyflwyno cyfraniadau mewn haenau, gan gyflwyno'r strwythur mwyaf blaengar posibl er mwyn ceisio amddiffyn athrawon ar y cyflogau isaf.

Roedd NASUWT hefyd yn dadlau y dylid talu cyfraniadau pensiwn ar sail cyflogau go iawn, yn hytrach na chyflogau cyferth ag amser llawn (FTE), am yr un rheswm.

Mae NASUWT wedi cyflwyno rhagor o ddadleuon dros gael gwared ar y ddarpariaeth lle bydd disgwyl i bensiynwyr goroeswyr sy'n oedolion ac a gafodd eu pensiwn cyn 1 Ionawr 2007 ildio eu pensiwn os byddant yn ailbriodi neu'n rhan o bartneriaeth sifil.

Mae NASUWT o'r farn bod cydraddoldeb llawn yn cynnwys bodloni costau hawliadau sydd wedi mynd heibio lle mae goroeswyr wedi ildio eu pensiwn.

### **Mynegeio budd-daliadau pensiwn**

Mae'r TPS diwygiedig yn gynllun ail-werthuso enillion cyfartalog gyrfa (CARE) a chaiff enillion pensiwn blynyddol eu hailwerthuso yn unol â fformiwla mynegeio. Defnyddir y fformiwla Mynegai Pris Defnyddwyr (CPI) + 1.6 y cant ar gyfer aelodau TPS, ar yr amod nad ydynt yn gadael gwasanaeth pensiynadwy am fwy na phum mlynedd. Os bydd aelod o'r TPS yn gadael gwasanaeth pensiynadwy am fwy na phum mlynedd, dim ond CPI a ddefnyddir i fynegeio, sy'n lleihau'r pot pensiwn y bydd yr athro hwnnw yn ei gael yn y pen draw. Mae NASUWT yn gwrthwynebu'r ddarpariaeth hon gan ei bod yn gwahaniaethu yn erbyn athrawon sy'n cymryd seibiant gyrfa. Mae'r grŵp mwyaf arwyddocaol yng nghyswllt aelodau TPS o'r fath yn athrawon sy'n cymryd seibiant gyrfa i fagu teulu, a menywod yw'r rhan fwyaf ohonynt gan amlaf.

Am yr union resymau hyn, mae NASUWT yn gwrthwynebu darpariaeth TPS sy'n cael gwared ac yn gwanhau diogelwch rhag diwygiadau TPS yng nghyswllt athrawon sydd wedi gadael gwasanaeth pensiynadwy am bum mlynedd neu fwy.

### **Hyblygrwydd TPS**

Mae'r TPS diwygiedig yn cynnwys mesurau 'hyblygrwydd o ran pensiynau' newydd sydd ar gael am ddim i athrawon.

Mae'r rhain yn prynu'r addasiad actwari ac yn prynu cronïadau cyflymach yn ei le.

Mae hefyd yn bosibl prynu rhagor o bensiwn gan ddilyn yr un drefn i raddau helaeth â'r drefn oedd ar waith cyn 1 Ebrill 2015, yn ogystal â phrynu cyfraniadau gwirfoddol ychwanegol athrawon (TAVCs) gan Prudential.

*un rhyw ac o'r rhyw arall eu cyfrifo drwy gyfeirio at wahanol gyfnodau o wasanaeth pensiynadwy.*

*'Bydd yr adolygiad yn helpu'r Ysgrifennydd Gwladol i benderfynu a ddylai ddefnyddio ei bwerau i newid y gyfraith er mwyn dileu neu leihau'r gwahaniaethau rhwng budd-daliadau goroeswyr mewn cynlluniau galwedigaethol.'*

### **Costau ar gyfer cael gwared ar wahaniaethu yn y TPS**

Roedd y rhagdybiaethau a ddarparodd y Trysorlys i NASUWT yn nodi y byddai cost cyfalaf ôl-ddyddio'r holl fudd-daliadau goroeswyr i 1972 yn costio tua £600 miliwn i'r TPS. Byddai rhwng un rhan o dair a hanner y gost hon yn mynd at daliadau wedi'u hôl-ddyddio.

Roedd y Trysorlys hefyd wedi amcangyfrif y byddai'r holl gost cyfalaf ar draws pob cynllun sector cyhoeddus yn ychwanegu tua 0.2% o gyflog pensiynadwy at gyfraddau cyfraniadau cyflogwyr dros gyfnod o 15 mlynedd. Mae hwn yn ffigur cymharol fach ac mae NASUWT wedi dadlau y dylid rhoi diwedd ar wahaniaethu yn y TPS nawr gan ei bod yn amlwg y gallir fforddio gwneud hynny'n hawdd.

### **Canlyniad Adolygiad Llywodraeth Glymblaid San Steffan**

Pan gyflwynodd Llywodraeth Glymblaid San Steffan ei hadroddiad ym mis Mehefin 2013, ni chyflwynodd unrhyw argymhellion ar gyfer rhoi diwedd ar wahaniaethu mewn cynlluniau pensiwn galwedigaethol, gan gynnwys y TPS. Y cyfan wnaeth y Trysorlys oedd nodi faint y byddai hyn yn ei gostio. Mae NASUWT eisoes wedi dangos bod y costau hyn yn fforddiadwy ac mae llawer o gynlluniau pensiwn y sector preifat eisoes wedi'u bodloni.

Mae NASUWT yn credu bod Llywodraeth Glymblaid San Steffan wedi methu ymgymryd â dyletswydd cydraddoldeb sylfaenol ac wedi caniatáu i wahaniaethu barhau.

Mewn ymateb i hyn, mae NASUWT wedi dwysáu ei ymgyrch ar gyfer sicrhau cydraddoldeb llwyr o ran pensiynau ac mae wedi llunio deunyddiau ymgyrchu ar gyfer llobio ASau. Mae hefyd yn cefnogi deiseb TUC sy'n galw am fudd-daliadau cyfartal i oroeswyr: [www.tuc.org.uk/survivorpensions](http://www.tuc.org.uk/survivorpensions).

Mae NASUWT hefyd wedi llunio cyflwyniad ymgyrchu ar gyfer Cymdeithasau Lleol a grwpiau ysgolion. Gellir ei weld drwy ddilyn y ddolen ganlynol: [www.nasuwt.org.uk/SurvivorBenefits](http://www.nasuwt.org.uk/SurvivorBenefits).

Roedd NASUWT yn gwrthwynebu cyhoeddiad yr Adran Addysg ac yn galw am gynnal ymgynghoriad llawn ar y mater hwn. Fe wnaeth yr Undeb hefyd annog ei haelodau i ysgrifennu i'r Adran Addysg ynghylch hyn, gan ddarparu llythyrau templed a deunyddiau gwybodaeth perthnasol ar wefan NASUWT. Yn ei hymateb i'r ymgynghoriad, fe wnaeth yr Adran Addysg gydnabod bod dros hanner yr ymatebion a ddaeth i law wedi defnyddio deunyddiau NASUWT i ddadlau yn erbyn parhau i wahaniaethu yn erbyn menywod, partneriaid sifil a chyplau priod o'r un rhyw wrth ddarparu budd-daliadau pensiwn. Mae NASUWT yn gwerthfawrogi cyfraniad yr aelodau at y mater hwn.

Cynhaliodd Llywodraeth Glymblaid San Steffan adolygiad o fudd-daliadau goroeswyr ar gyfer partneriaid o'r un rhyw, gwagedd gweddw a gwŷr gweddw o dan Adran 16 Deddf Cyplau Priod (o'r un Rhyw) 2013.

Cyhoeddwyd adroddiad ar yr adolygiad ar 26 Mehefin 2014. Nodir pŵer llunio gorchmynion yn adran 16(6) y Ddeddf sy'n galluogi'r Ysgrifennydd Gwladol i gyflwyno deddfwriaeth er mwyn cydraddoli neu leihau'r gwahaniaethau o ran budd-daliadau goroeswyr. Fe wnaeth NASUWT fanteisio i'r eithaf ar Adolygiad Llywodraeth Glymblaid San Steffan er mwyn hyrwyddo buddion aelodau a chyflwynodd ymatebion manwl i'r ymgynghoriad.

Roedd cylch gorchwyl Adolygiad Llywodraeth Glymblaid San Steffan fel a ganlyn:

*'Bydd yr adolygiad yn ymchwilio i'r gwahaniaethau mewn cynlluniau pensiwn galwedigaethol rhwng: budd-daliadau goroeswyr o'r un rhyw a budd-daliadau goroeswyr o'r rhyw arall a delir i wragedd gweddw; budd-daliadau goroeswyr o'r un rhyw a budd-daliadau goroeswyr o'r rhyw arall a delir i wŷr gweddw; budd-daliadau goroeswyr o'r rhyw arall a delir i wragedd gweddw a budd-daliadau goroeswyr o'r rhyw arall a delir i wŷr gweddw. Bydd yr adolygiad yn ystyried budd-daliadau goroeswyr a delir i bartneriaid sifil a chyplau priod o'r un rhyw sydd wedi goroesi ar wahân.*

*'Bydd yr adolygiad yn ymchwilio i gostau ac effeithiau eraill dileu'r gwahaniaethau hyn a sicrhau bod budd-daliadau goroeswyr yn gyfartal. Bydd yr adolygiad yn ystyried i ba raddau y caiff budd-daliadau goroeswyr o'r un rhyw eu darparu yn unol â pharagraff 18 Atodlen 9 Deddf Cydraddoldeb 2010, ac i ba raddau y caiff budd-daliadau goroeswyr o'r*



- bydd budd-daliadau i bartneriaid sifil yn cael eu hôl-ddyddio i 6 Ebrill 1988;
- bydd budd-daliadau i gyplau priod o'r un rhyw yn cael eu hôl-ddyddio i 6 Ebrill 1988.

Mae'r sefyllfa bresennol yn golygu bod partneriaid sifil a chyplau priod o'r un rhyw yn cael eu trin yn llai ffafriol na rhai cyplau priod o'r rhyw arall yng nghyswllt budd-daliadau goroeswyr.

Mae'r budd-daliadau ar gyfer partneriaid sifil a chyplau priod o'r un rhyw yn cyfateb i'r rhai ar gyfer partneriaid priod o'r rhyw arall, ond dim ond yng nghyswllt budd-daliadau ar gyfer gŵyr gweddw, sy'n cynnwys unrhyw wasanaeth ers 6 Ebrill 1988, yn hytrach na gwragedd gweddw, sy'n cynnwys gwasanaeth ers 1 Ebrill 1972.

Mae NASUWT yn dal i ymgyrchu dros wragedd gweddw, gŵyr gweddw, partneriaid sifil a chyplau priod o'r un rhyw er mwyn i bawb ohonynt gael hawliau pensiwn cyfartal, gan gynnwys hawliau budd-daliadau goroeswyr. Mae'r undeb yn mynnu bod yn rhaid i hawliau budd-daliadau goroeswyr sy'n cael eu hôl-ddyddio i 1 Ebrill 1972 fod yn gyfartal wrth gyfrifo'r hawliau hynny. Byddai peidio â sicrhau hyn yn golygu y byddai'r TPS yn cymeradwyo math annerbyniol o wahaniaethu yn erbyn athrawon sy'n fenywod, yn lesbiad, yn hoyw, yn ddeurywiol ac yn drawsrhywiol (LGBT).

Fe wnaeth NASUWT arwain yr ymgyrch a lobïo yn erbyn y gwahaniaethu hwn:

- Yn 2009, roedd NASUWT yn gwrthwynebu'r elfen o ran eithrio pensiynau a nodir yn Neddff Cydraddoldeb 2010. Roedd hyn felly yn parhau i ganiatáu gwahaniaethu yn erbyn menywod a phartneriaid sifil. Fe wnaeth NASUWT lobïo gweinidogion ynghylch y mater hwn.
- Nododd NASUWT fod yr Adran Addysg wedi ymddwyn mewn ffordd annerbyniol a gwahaniaethol yn sgil budd-daliadau goroeswyr yn y TPS. Mewn ymgyngoriad ar gynyddu cyfraniadau pensiwn gweithwyr a gynhaliwyd ddiwedd 2013, fe wnaeth yr Adran Addysg geisio cuddio'r cyhoeddiad a oedd yn nodi ei bod yn bwriadu parhau i wahaniaethu yn erbyn menywod a phartneriaid sifil a'i bod yn bwriadu gwahaniaethu yn erbyn cyplau priod o'r un rhyw hefyd.

Mae'r Cynllun Pensiwn Athrawon (TPS) diwygiedig yn cynnwys elfennau gwahaniaethol, ac mae NASUWT yn ymgyrchu i gael gwared ohonynt.

Mae'r cynllun TPS diwygiedig a gyflwynwyd ar 1 Ebrill 2015 yn cynnwys elfennau gwahaniaethol iawn ac mae NASUWT wedi ei wrthwynebu droeon o'r herwydd.

Yn ystod y trafodaethau ar ddiwygio'r TPS, pwysodd NASUWT ar Lywodraeth Glymblaid San Steffan dro ar ôl tro i gynnal asesiad effaith cydraddoldeb (EIA) addas i'r diben o'r diwygiadau roedd yn eu cynllunio ar gyfer y TPS cyn eu rhoi ar waith. Nid yw'r Adran Addysg wedi gwneud hynny. Nid oedd wedi casglu'r data cydraddoldeb angenrheidiol cyn hyn, ac nid yw wedi gwneud hynny wedyn ychwaith.

Mae NASUWT yn parhau i ofyn iddynt gasglu'r data hwn er mwyn gallu asesu effaith lawn diwygio'r TPS ar gydraddoldeb.

Mae NASUWT yn credu bod elfennau gwahaniaethol mewn sawl agwedd allweddol ar y cynllun TPS diwygiedig.

### **Budd-daliadau goroeswyr oedolion ar gyfer gwŷr gweddw, partneriaid sifil a chyplau priod o'r un rhyw**

Mae NASUWT yn gwrthwynebu ac yn parhau i ymgyrchu yn erbyn yr achosion parhaus o wahaniaethu yn erbyn menywod, partneriaid sifil a chyplau priod o'r un rhyw o ran sut caiff budd-daliadau goroeswyr TPS eu talu (a elwir yn fudd-daliadau teuluoedd weithiau).

### **Gwahaniaethu yn erbyn menywod**

Caiff y budd-daliadau pensiwn i oroeswyr canlynol eu talu i ddyinion a menywod sydd wedi goroesi, yn aelodau o'r TPS ac yn gymar o'r rhyw arall:

- bydd budd-daliadau i wragedd gweddw yn cael eu hôl-ddyddio i 1 Ebrill 1972;
- bydd budd-daliadau i wŷr gweddw yn cael eu hôl-ddyddio i 6 Ebrill 1988.

### **Gwahaniaethu yn erbyn partneriaid sifil a chyplau priod o'r un rhyw**

Caiff y budd-daliadau pensiwn i oroeswyr canlynol eu talu i ddyinion a menywod sydd wedi goroesi, yn aelodau o'r TPS ac yn gymar o'r un rhyw neu'n bartneriaid sifil: