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PRIME MINISTER

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TRADE UNIONS WHICH HAVE DEFIED HIGH COURT ORDERS SINCE 1964

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1. It is only possible to list instances which have been reported in the Law Reports or otherwise attracted publicity. Until the recently reported decision of the executive of NATSOPA, there have been no known instances of defiance of orders of the existing High Court. Under the Industrial Relations Act 1971 the National Industrial Relations Court was established with equivalent status to that of the High Court. Unions known to have defied an order of NIRC are:

- AUEW (Engineering Section)
- TGWU

2. The AUEW (Engineering Section) defied the Court in two cases: Goad v AUEW (E) and Con-Mech (Engineers) Ltd v AUEW. Goad is the case of the factory quality control inspector who was excluded from the union and not permitted to attend branch meetings. NIRC held that he was a member of the union and should not be arbitrarily or unreasonably excluded from attending branch meetings and ordered accordingly. The union branch defied the order and continued to refuse to admit him to branch meetings; the union was fined a total of £55,000 for contempt. In Con-Mech a strike in connection with a recognition dispute was declared to be an unfair industrial practice under the Act and the union was ordered to pay compensation to the company as a result. The union refused to pay the compensation; this was held to be contempt and sequestration of some of the union's assets was ordered. The TGWU was held to be in defiance of the Court in Heatons Transport v TGWU. This is the container dispute case in which the union was held to be vicariously responsible for the unofficial blacking campaign at the docks against container firms which was found to constitute an unfair industrial practice under the Act. NIRC issued restraining orders and the union was fined for contempt upon the action led by its shop stewards continuing.

3. It is now reported that NATSOPA has defied the order of the High Court in Express Newspapers Ltd v Keys & others ordering its General Secretary to withdraw a circular inducing its members to strike on the TUC's "day of action" on May 14th. As yet, no enforcement proceedings have been brought.