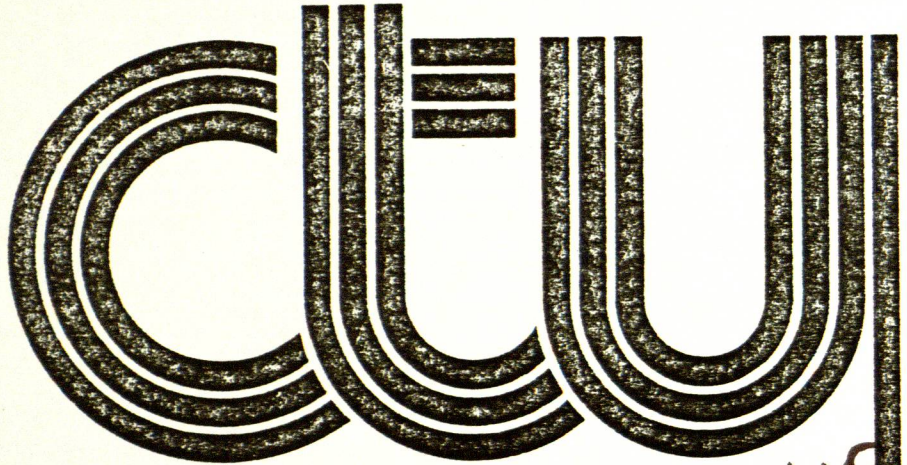


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PRESS RELEASE
DATE: 28.9.81
TIME: IMMEDIATE

694/81

The National Committee of the Conservative Trade Unionists submitted today (Monday, 23th September) to Rt Hon Norman Tebbit, Secretary of State for Employment, their views on the Government's Green Paper on Trade Union Immunities.

In general, the CTU attitude is that the Employment Act 1980 "must be given time to work". But they recognise that steps must be considered to rectify "imbalance between unions and management" in areas where it exists.

The submission reads in full:

A careful examination of all the proposals put forward by various CTU Groups throughout the country highlighted that, as with the Employment Act 1980, a cautious and moderate approach to industrial relations is still necessary and vital.

We should heed the warning that all important productivity improvements sought by British industry would come through encouraging greater co-operation and not by way of further legislation.

A more positive approach should be made to advance the cause of improving employee/management relationships instead of adding tougher curbs on the trade unions by way of excessive legislation. There is a general feeling that more hard line legislation could indeed be counter-productive and harmful to the hopes of building a trusting relationship between employees and management when the recession ends.

It is recognised, however, that areas exist where an imbalance between unions and management occurs and steps must be considered to rectify this.

Closed Shop

Whilst it must be generally accepted that it would be impractical to dismantle existing closed shop arrangements, it is nevertheless thought desirable that employees should be able to make their opinions known in a ballot on the subject every five years. This would enable new employees to have a say and encourage greater democracy within the union. Alternatively, should 20% of employees request a ballot to end a union membership agreement, this should be allowed. In other words, the idea of a periodic review as contained in the Code of Practice, is welcomed, but it should be strengthened.

Payment of a sum equivalent to the union sub by those who do not wish to be members of a union, to a charity or workers' benevolent fund, would remove from them the stigma of being free riders.

It is thought particularly important that the amount paid in compensation to individuals who lose their jobs through not wishing to be party to a union membership agreement, should be increased substantially. The possible joinder of the union in an action on such an issue and as a possible contributor to any compensation awarded, as the law stands at present, is approved of and should continue.

Secret Ballots

CU support the use of secret ballots before a strike is called, when a closed shop is proposed and when leaders of trade unions are elected. These leaders should be elected for a fixed term and not for life, as is the case in certain unions. Such elections would lead to less remoteness between leader and rank and file, and increase accountability.

Union Labour Only Contracts

This type of contract should be declared unlawful to ensure that non-union companies are not unfairly discriminated against.

Picketing

The main concern expressed referred to secondary action. The Employment Act and its Code of Practice are a marked improvement on the previous existing law, but since its enactment there has been no real test of its effectiveness in an industrial dispute, therefore, not in the courts. The desire is for employers to more readily use injunctions to curb the attendance of those not connected with the dispute, who have no right to be on the picket line anyway. The imposition of fines does not act as a deterrent and few employers would wish to add to their industrial troubles by seeking damages.

Immunity for Trade Union Funds

Making union funds vulnerable to civil claims for damages would do nothing to solve the problem of unofficial strikes or to re-establish good industrial relations. It is therefore, our view that breach of contract of employment or commercial contract should not be actionable. Further, collective agreements should not be legally enforceable.

Definition of a Trade Dispute

To help both trade union members and management in the context of strike calls, the definition of "in contemplation and furtherance of a trade dispute" should be more clearly defined. Such a move would show that disruption was not being contemplated for political reasons, but genuinely in the interests of the work force, with reference to their conditions of employment and good working relations.

Union Meetings at Place of Work

To increase involvement amongst the work force within the union structure at the work place, time off during working hours should be allowed and work premises made available for union meetings. A time limit could be set on these meetings. This system would encourage greater attendance and give both union and management a truer picture of the employees' views.

Political Levy - Contracting Out Form

All union members should be fully informed about the nature of the political levy. We suggest, therefore, that the opting out form should be incorporated in the union membership form together with an explanation of the law on the matter. Such explanation should include the amount of the political levy and point out the party to which it is paid. Trade unionists should further be made aware that the creation of a political fund does not necessarily mean affiliation to the Labour Party.

Protecting the Community

The CTU considers that negotiations should commence with unions representing employees in the essential public services with a view to achieving no strike agreements. In return for relinquishing this fundamental right employees would expect and should be given compensation, as is the case in some other countries. Such agreements should be subject to periodic review to ensure flexibility in changing economic conditions.

Participation

The challenge to unions and management in Britain when the nation emerges from the recession will be to concentrate on working together for the future instead of trying to settle old scores. To help achieve this aim, the CTU are seeking a legislative push for the participation process by way of a Code of Practice backed up by a time scale. We also urge a more radical approach to the whole question of profit-sharing and worker share-ownership supported by improved tax concessions, and further consideration of disclosure of information, shareholders' rights, future working patterns and the role of co-operatives.

Conclusion

The proposals made in this brief submission are not intended to weaken the trade union movement and its right to organise, nor the position of management and its right to manage. The main concern is that fairness between the two should be maintained; the old principle of working together still holds good. This has in the recent past been theory but the time has come for it to be put in to practice.

We believe that the Employment Act 1980 must be given time to work and no major changes in legislation contemplated for this reason. It is, after all, more important to form good habits than good laws.

END