



10 DOWNING STREET

THE PRIME MINISTER

28 June 1982

*Dear Mr Murray,*

Thank you for your letter of 10 June.

I am sorry that the TUC feel it necessary to continue their campaign against the Employment Bill. Every opinion poll has shown that the Bill is welcomed by the vast majority of people in the country and indeed by most trade union members. There is certainly no evidence for your view that many employers are opposed to the Bill. The proposals in the Bill reflect the outcome of more than a year's extensive consultations.

You say that the TUC have not misunderstood the Bill's provision. But it is apparent from your letter that your criticisms are indeed based on a misunderstanding of the Bill's intentions and effects.

You say that the Bill will deny to workers rights which have been theirs for decades. In fact it extends the rights of workers, for example against unfair dismissal on the grounds that they do or do not belong to a trade union. The Bill does not affect the ability of trade unions to organise, to seek recognition from employers, to bargain collectively or to organise industrial action by their members in pursuit of improvements in their pay and conditions or in defence of their jobs.

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You claim that the right of public servants to take action to defend their jobs will be brought into doubt. I do not know what evidence you have for such a statement. If after the Bill becomes law public service workers were to have a dispute with their employer about pay, conditions, jobs etc. - indeed all the normal subjects of a trade dispute - it would be a lawful trade dispute, as it would always have been.

I find it extraordinary that you should suggest that the Bill will make it illegal for trade unionists to support workers in countries such as Poland and South Africa. As I am sure you must know, such industrial action, undertaken for purposes which have nothing to do with a trade dispute, has always been unlawful, even under the legislation of 1974.

As to your claim that the Bill will "undermine long standing union membership agreements", it will only do so if such an agreement has lost the confidence of the employees covered by it. The Bill does not outlaw closed shop agreements. It simply provides that in future there should be periodic ballots to test the support for them among the employees concerned. I trust that the TUC do not believe that it is right for agreements - however long standing - to continue if those they directly affect are opposed to them and wish to be rid of them.

You say the TUC "find it astonishing" that the Bill encourages "a small number of individuals who are dissatisfied with the collective bargaining arrangements in their workplaces .... to refuse to accept their proper responsibilities". If by "proper responsibilities" you mean compulsory trade union membership I must point out that the European Court of Human Rights have found the last Government's closed shop legislation to be in breach of the European Convention of Human Rights. The TUC must surely be aware of the profound public concern at some recent closed shop dismissals - notably in Sandwell and Walsall - in violation of the statutory rights of the employees concerned. These were people who had



entered their employment before a closed shop came into existence and did not believe they would benefit from trade union membership or representation. The Bill seeks to increase the protection for such people and for those who object to trade union membership on grounds of conscience. You claim to find this protection "astonishing". I am sorry that you seem to have forgotten the advice the TUC gave to its affiliated unions in 1979 that "they should bear firmly in mind that the closed shop need not be a rigid arrangement: agreements should provide for conscientious objectors and can provide for certain categories of workers to be excluded from the closed shop provisions".

The provisions in the Bill concerning dismissal of strikers are designed not "to encourage selective dismissals" but primarily to correct the anomaly whereby an employer was compelled to sack employees who had returned to work as well as those still on strike if he was to avoid complaints of unfair dismissal.

Finally, I must remind you that the Secretary of State for Employment invited the TUC to discuss the Bill's provisions with him last December and again in February this year. I am sorry that the TUC has not taken up either of these invitations, which, of course, remain open. If you had done so the misunderstandings which are plain from your letter and on which you seem to base your opposition to the Bill need never have arisen.

Yours sincerely  
Lionel Murray

The Right Honourable Lionel Murray, O.B.E.

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