

*Richard Hodgson*



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Treasury Chambers, Parliament Street, SW1P 3AG  
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Richard Dykes Esq  
Private Secretary  
Department of Employment

*Dear Richard,*

CODES OF PRACTICE ON PICKETING AND THE CLOSED SHOP

The Chancellor was grateful for the sight of a copy of your Secretary of State's minute of 2 July to the Prime Minister enclosing the draft Codes of practice on picketing and the closed shop.

He has not been able to study the Codes as closely as he would wish: but he would like to suggest certain amendments to the Codes as well as to the draft covering papers. His comments on the covering paper on closed shops are as follows:

i) Para 4.

He suggests leaving out the sentences which read, "The Government have no quarrel with the aim of 100% membership as an objective to be achieved by trade unions voluntarily. What is objectionable is that it should be enforced by a closed shop." He does not think that this adds to the argument, and could be interpreted as meaning that we support 100% membership rather than being neutral.

ii) Para 5.

He would prefer to omit the last sentence, as this could prejudice the Government's decision on whether or not to re-consider the issue of the closed shop in the Green Paper.

iii) Para 6.

He suggests that the first two sentences could be re-worded to say, "The Employment Act has been framed to provide safeguards for individuals and remedies against abuses of the closed shop."

/As regards the covering



As regards the covering paper on picketing, he suggests that in the first sentence of para 5 the words "wherever it takes place" should be deleted.

Comments on the codes of practice

It could be argued that both Codes are misleading because no clear distinction is made between passages which provide that persons should or should not do certain things in order to comply with the law and passages which merely urge them to do or not to do certain things because your Secretary of State considers such action to be desirable (or not) in the interests of good industrial relations. The Chancellor thinks that the Codes should distinguish between exhortation and the requirements of the law.

He has a number of more specific comments and suggestions on the Code on the closed shop:

i) Para 12.

Does the document make clear enough the circumstances in which expulsion from a trade union would be "unreasonable"?

ii) Para 16.

Should there not be some mention of provision for reinstatement in the union, as well as of compensation?

iii) Para 29(d).

This appears to be slightly inconsistent with Para 53, with no reason for the distinction being given.

iv) Para 33(b).

The last sentence of this paragraph might enable classes of employees to be defined in such a way that elections could be rigged. Possibly, given what is said in paragraph 23, there is no need for this sentence.

v) Para 33(e) and (f).

These sections say only that ballots should be conducted in secret "so far as reasonably possible", and that it would be better if they were conducted by an independent body. Is this good enough?



vi) Para 42.

Should the document be more specific about the maximum interval between ballots? Should something be said about the circumstances in which either the employer or the employees can initiate a ballot?

vii) Para 43.

Although this probably reflects the actual situation, in practice it is not correct as a statement of law, since collective agreements can be made to be legally binding.

viii) Para 52(b).

This in effect says that the closed shop is a legitimate device to frustrate the operation of the market, and provides cover for the maintenance of indefensible working conditions etc in industries like printing and television. Does the Government really want to encourage the formation of closed shops designed to enforce an improvement in negotiated terms and conditions of employment?

ix) Para 59.

Could this be interpreted as signalling to the world the criteria on the basis of which editors can be harassed by journalists and printers? Does it really need to be said at all?

I am sending copies of this letter to the Private Secretaries to the members of E Committee, the Lord Chancellor, the Home Secretary, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

*Yours sincerely*

*John Wiggins*

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