



SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

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Pami Anwar

~~Handwritten~~ To glance

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MS

The Rt Hon Jim Prior MP  
Secretary of State for Employment  
Department of Employment  
Caxton House  
Tothill Street  
LONDON  
SW1N 9NA

May 1 see the notes and

5 March 1980

Thank you for your letter of 26 February explaining the extent to which Clauses 3 and 6 of the Employment Bill would provide the protection which I seek for local authority employees continuing to provide essential services during a strike.

I can see that these Clauses give a fair amount of protection, resulting ultimately in compensation, but they do not assure the employee, who has to measure his concept of public service against the possible loss of his career, that he will not be dismissed. Even if compensation were an adequate answer, the employee, before deciding whether or not to continue working against union instructions, has to balance the certainty of union reprisals against the uncertainty of a favourable verdict from an industrial tribunal. The essence of my case is therefore that we should protect individuals undertaking essential services against dismissal by virtue of their loss of membership of a union as a result of failing to obey a strike call.

I do not share your confidence that all public service employers would be unwilling to dismiss people who had helped them to maintain essential services during a strike; indeed under their UMAs they might have to. It would be a substantial protection both to individuals and to employers if it was made clear in clause 6, as suggested in my letter of 8 February, that persons who undertake essential duties would not be subject to dismissal, in pursuance of union manning agreements, if expulsion from the union arose from having continued to provide essential public services.

I hope there is still time to consider this as there is a distinct possibility that there may be a strike in the water industry in Scotland, and I fear that Lothian Regional Council, and possibly others, would put its political sympathy with the unions in front of its public obligations. Even though the Employment Bill would not by then be on the Statute Book on amendment such as I am suggesting would provide encouragement to the conscientious employee and strengthen the resolve of reasonable local authority employers generally.

I am grateful for your undertaking to consider provisions in the Code of Practice on the operation of the closed shop.

I am copying this letter to all members of E Committee, to the Lord Advocate and Sir Robert Armstrong. You may feel that we should arrange to discuss the issues with colleagues.

GEORGE YOUNGER

5 MAR 1960



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CCAD



Treasury Chambers, Parliament Street, SW1P 3AG

01-233 3000

6th March, 1980

Dear Richards,

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PUBLIC AUTHORITIES AND THE  
CLOSED SHOP

The Chancellor has followed with interest the correspondence between your Secretary of State and the Secretary of State for Scotland, which now stands with Mr. George Younger's letter of 5th March. He very much agrees with the Secretary of State for Scotland that these issues could usefully be discussed with colleagues, and would like to be associated with any such discussion your Secretary of State may decide to arrange.

I am copying this letter to the Private Secretaries of the recipients of the Scottish Secretary's letter.

Yours avo,  
M.A. Hall

(M.A. HALL)  
Private Secretary

Welcome!

R. Dykes, Esq.,  
Private Secretary,  
Department of Employment

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