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Ind. Relations legislation.

Pm

PRIME MINISTER

c.c. Mr. Wolfson  
Mr. Pattison

Industrial Relations Legislation

This is just to remind you of the two points which Leon Brittan raised this afternoon, and which you said you would take up with the Department of Employment on Monday.

Trade Union Immunities

The House of Lords are likely to overturn the Court of Appeal judgement in the Express Newspapers v. McShane case. (The Court of Appeal took the view that the immunity for industrial action given in the 1974 and 1976 Trade Union and Labour Relations Acts does not go beyond the first customer and supplier.) Cabinet decided last Thursday that draft provisions on immunities should now be prepared so that, if the Court of Appeal decision is overturned, the earlier position can be restored by amendment to the bill in committee, or in a later separate bill.

Mr. Brittan suggested, however, that we should include in the published bill a declaratory provision which would simply give effect to the Court of Appeal's judgement in the McShane case. It would be much better to include such a provision before the House of Lords judgement which was almost certainly now going to be adverse. And it would be easy to defend politically in view of Mr. Silkin's explanation last winter - that the critics of the 1974 and 1976 legislation had nothing to worry about because of the development of the remoteness test by the Courts in the McShane and other cases.

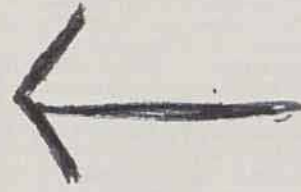
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Closed Shop - Exclusion or Expulsion from a Trade Union

Mr. Brittan said that he could not understand why Cabinet had decided that the right of appeal against exclusion or expulsion should be confined to the circumstances of a closed shop

/ situation.

situation. It ought to be a general right of appeal. For if someone is expelled from a union when he is working at company A which does not have a closed shop, he will almost certainly find it impossible to get a job at company B which does operate a closed shop.



The paper for Cabinet said that "there is much less justification for examining the trade union's internal procedures in this respect where people's jobs are not at stake". But as you and Leon Brittan pointed out, a man's employment in the future will be at stake if he has been expelled.

Subject to your agreement, David Wolfson intends to tell Mr. Prior on Monday morning that you are going to raise these two points so that we can - hopefully - get a good response.

*Yes - the points only - not the details of the meeting its eff. Could we also get some similar statement to the House last year about what the members should be made that point. I remember it well.*

*TIM  
MURPHY 904  
I'VE PHONED  
David*

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folder*

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23 November, 1979.