

Prime Minister

The Three Railwaymen

1. You will have seen the full text of this Judgement.
2. Herewith copy statement issued on behalf of the Government on 13th August, which is devious in the extreme.
3. Even today, as I understand it, a railway employee who decides to leave his Trade Union will lose his job. It would be interesting to know how many employees of British Rail today are not members of a trade union because they are opposed to membership of grounds of conscience or "other deeply held personal conviction".

It is sad that it was left to the European Court and not to the High Court of Parliament to stand up for freedom.

IAN GOW
17th August 1981

(F)

August 13, 1981

GOVERNMENT REACTION TO THE JUDGMENT AT THE EUROPEAN COURT OF HUMAN RIGHTS

A Government spokesman said today that the Government have always made it clear that they sympathise fully with the three railwaymen. We condemned their dismissal at the time and condemned the legislation of the last Government under which they were dismissed without compensation of any kind. That legislation has now been replaced. *repealed*

If the case occurred today the railwaymen would have the protection of the law. The Employment Act ¹⁹⁸⁰ now provides a right for employees in a situation similar to the three railwaymen (ie existing non union employees who do not wish to join a union when a closed shop is introduced) to remain non union members and to take their case to an industrial tribunal if this right is violated. The Act also provides similar protection for those who are opposed to membership of a trade union on grounds of "conscience or other deeply held personal convictions." These two new protections would appear to meet major points in the Courts judgment.

The Government did not defend the railwaymen's dismissal before the European Court. The case was concerned with the interpretation of the European Convention on Human Rights and what it says and does not say about the right to associate. Now the Court have found that there was a breach of the Convention when the railwaymen were sacked in 1976. We shall have to study the judgment very carefully to see whether the Government should introduce any further changes beyond those already made in the 1980 Employment Act.