



10 DOWNING STREET

THE PRIME MINISTER

29 May 1981

Dear Richard

Thank you for your letter of 18 May about the six ladies who work for the School Meals Service in Walsall and who are now facing dismissal because they do not want to become members of a trade union.

Let me say straight away that I believe Walsall Council are behaving disgracefully in this matter and that there can be no justification on moral, political or industrial grounds for the action they have taken. The Council are threatening their own employees with dismissal in violation of their statutory rights and, as the Report you enclosed with your letter makes clear, they are doing so knowingly and with complete disregard for the consequences. It is particularly disgraceful that a public authority - which ought to set an example to other employers - should behave in this way.

No local authority which is prepared - for purely ideological reasons - to dismiss people who are performing a valuable social service can claim to be genuinely concerned about the welfare of its school children or about the problem of unemployment. If they persist in this course Walsall Council will attract - and deserve - universal condemnation.

As you make clear in your letter, these ladies were all employees of the Council before its closed shop agreement was introduced. That fact alone means that their dismissal is unfair under the Employment Act 1980. Their reasons for not wanting to

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in a trade union are immaterial. They would not for example have to show that they had conscientious objections to or deeply held convictions against trade union membership.

Under the Act they can take their case to an industrial tribunal which can award compensation and may, if it judges it practicable in all the circumstances, order their employer to reinstate them in their former jobs. If an employer refuses to comply with an order for reinstatement, the tribunal can award additional compensation. I would urge anyone who is dismissed in these circumstances to take their case to a tribunal. The Town Clerk's Report points out that the Council would have no defence in such a case. The District Auditor might well find that compensation should be paid out of the Councillors' own pockets.

The law does therefore already provide a financial remedy. But, as you say in your letter, the behaviour of Walsall Council raises the question whether these remedies are sufficient to deter employers from violating their employees' rights. There have always been problems in providing for a court or tribunal to order an employer to continue to employ someone whom in the last analysis he is determined not to have in his employment. However, Jim Prior has made it clear that if the present law is shown to be inadequate we shall not hesitate to ask Parliament to strengthen it. The closed shop is at the fore-front of consultations on the Green Paper on Trade Union Immunities. Both Jim Prior and I have urged everyone with direct experience of the closed shop to let us have their views before the end of June. I can assure you that we shall consider the suggestions in your letter very carefully and that the behaviour of Walsall Council will be fully taken into account in assessing the case for further legislation.

Finally, I would ask you to convey to the six ladies my admiration and support for the stand they have taken. It is contrary to the traditions of personal liberty in this country for people to be required to join a union as a condition of retaining their jobs. It is intolerable for long serving employees who are

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not trade unionists to be forced to join a trade union or be dismissed because of the introduction of a closed shop. We are committed to ensuring that the protection of the law is available to employees who are threatened with dismissal in this way. We stand by that commitment.

Yours sincerely

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Richard Shepherd, Esq., M.P.