

Prime Minister ⁽²⁾ SECRET

24 June 1982

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MR SCHOLAR

MCS 24/6

cc Mr Mount

SECONDARY PICKETING BY CIVIL SERVANTS

ms

I was concerned to hear that there was some feeling in Cabinet this morning that the possibility of disciplinary measures being used against civil servants engaged in sympathetic industrial action had not been taken far enough since last summer. My preoccupation with BR has meant I have had to miss the recent meetings of the official group on industrial action in the Civil Service, but I have talked to the Chairman, and refreshed my memory of the work of MISC 65.

MISC 65 was principally concerned with lessons from the Civil Service strike, where action was taken against their own employers, but it did consider the use of disciplinary action against staff who committed a disciplinary offence during industrial action. It concluded - I attach the relevant extract - that to operate the procedures involved without legal challenge would be difficult; and Ministers accepted the recommendation that no further consideration be given to it.

This is now being looked at again. The Chancellor will make recommendations shortly. Officials have reached a preliminary conclusion that to operate disciplinary procedures in the event of unauthorised/absence in pursuit of industrial action would require reasonable notice being given to staff. That could be done in time for the NHS action called for 17 July. Staff then engaging in secondary picketing would be charged appropriately; there would be a disciplinary hearing; and the permanent Head of the Department would rule a punishment - ranging from reprimand to dismissal. There could be appeals to the CSAT; and, in the case of dismissal, possibly to an industrial tribunal if discrimination could be alleged. But given that sympathetic action is not usually strongly motivated, the warning might well be sufficient to deter action.

The 1980 Act does not help here. The Government as employer is not being damaged by the effect of civil servants picketing hospitals. Disciplinary proceedings are the appropriate response.

J.V.

JOHN VEREKER

SECRET

Surely it is if they are picketing during hours of duty. Ministers who are imposing these provisions in deeper doubt