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DEPARTMENT OF TRANSPORT
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Prime Minister (2)

CJV

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
LONDON
SW1

MUS 9/7

8 July 1982

Dea Seaman

DISMISSING STRIKERS

with me

In the light of the discussion in MISC 80 this morning I have followed up the question of sacking strikers with the Law Officers Department, the Department of Employment and my own Departmental legal advisers.

They all agreed that if BR were to sack all those on strike and offer re-employment but on a new contract, then the Board would be under no legal obligation to offer those dismissed who refused this offer re-engagement under the terms of the old contract. The consensus view is also that the Board would not be open to action through the Industrial Tribunal if they took this course.

The only real caveats are:

- i. that the Board must sack all those who have been or are on strike and offer the same terms and conditions to all those they have dismissed (to do otherwise would constitute victimisation); and

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- ii. the new contract must offer employment in the job held immediately before dismissal or a different job which was "reasonably suitable".

I am copying this to the other members of MISC 80, the Attorney General, Sir Robert Armstrong and Mr Sparrow.

Yours

David

DAVID HOWELL

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