



cc 01
NO 2
Prime Minister
To be aware

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Tom King MP
Secretary of State
Department of Employment
Caxton House
Tothill Street
LONDON SW1H 9NF

19th March 1985

TRADE UNION ACT 1984

As I think you know we have been looking at the application of Part II of the Trade Union Act 1984 to the Civil Service in the context of the House of Lords judgement on GCHQ regarding civil servants' contractual position. Michael Havers has now advised that "a Government Department could, in order to bring an action against a trade union in reliance on Part II of the Trade Union Act 1984, argue that there is a contract of employment between the Crown and civil servants".

Official guidance to Civil Service management is now being issued and I thought you and other members of Cabinet should be aware of its main provisions. Clearly we will, as employer, want to make effective use of Part II of the Act but in view of the political and industrial relation sensitivities involved I believe that, at least initially, decisions about invoking its provisions should be for collective consideration.

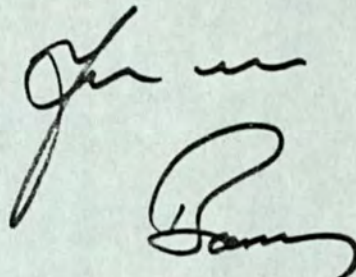
The guidance going out to departments will, therefore, warn of the sensitivities involved and make it clear that in the case of departmental industrial action the responsible Minister will need to consider the use of the Act's provisions, and consult with colleagues as necessary. If, however, the industrial action is servicewide then the Treasury will take the lead.

The guidance also deals with management's interest in the other aspects of the Trade Union Act 1984. It makes it clear that the provisions of Parts I and III are essentially for the unions but draws attention to the need for management to make staff

aware of their rights and to make the necessary changes in the check-off arrangements. The Civil Service unions have also been put on notice about the position management would take (eg about the granting of facilities) if they fail to comply.

The test of the unions attitude comes sharply into focus in the current pay round. The early indications are that whilst the non-industrial Civil Service unions are shaping up for strike action, most seem committed to ensuring they retain immunity by organising ballots which meet with the Act's provisions. Recent press reports, however, indicate that the CPSA's Executive has decided to ignore the Act and my officials are therefore urgently taking legal advice about invoking the Act's provisions. I shall consult with interested colleagues as soon as this advice is available.

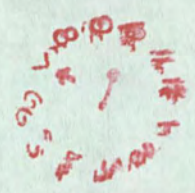
Copies of this letter go to the Prime Minister, all Cabinet Members, and Sir Robert Armstrong.

A handwritten signature in black ink, appearing to read 'Barney Hayhoe', written in a cursive style.

BARNEY HAYHOE

C.S.

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