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DEPARTMENT OF HEALTH AND SOCIAL SECURITY  
Alexander Fleming House, Elephant & Castle, London SE1 6BY  
Telephone 01-407 5522

*From the Minister of State for Social Security and the Disabled*

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

17 May 1985

xref

*Dear Secretary of State,*

NON-COMPLIANCE WITH TRADE UNION ACT 1984 AT RUSHOLME (MANCHESTER) ILO

Barney Hayhoe wrote to you on 19 March 1985 giving guidance to departments on the handling of industrial action vis a vis the 1984 Trade Union Act and I am therefore writing to you about a situation at the Department's local office at Rusholme, Manchester.

A Specialist Claims Control Team (SCC) is due to begin a planned thirteen week visit on 20 May 1985. These teams are specialist investigators of suspected fraudulent claims for social security benefit and their activities have always been opposed by the unions. The local CPSA held a meeting on 14 May 1985 to discuss the implications of the visit at which a vote for one day strike action on Monday 20 May was taken. We are uncertain how many of the 99 CPSA grades in the office attended the meeting but the voting, which was by show of hands, was 25 in favour and 13 against. The other union involved, the SCPS, voted today by 28 to 4 not to take supportive action.

One of my officials was subsequently contacted by a CPSA union official in the late afternoon of 16 May who advised that the union's national disputes committee had made the strike official by agreeing to provide strike pay. We believe the union is prepared to continue strike pay for a period of up to two weeks if members at the office decide to continue the strike.

On 17 May officials sought legal advice on the application of the 1984 Trades Union Act. Counsel advised that the Department had a strong case to invoke the Act. However, in view of the apparently limited duration of the industrial action, Counsel advised against an interim ex parte injunction but said that a writ could be issued

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against the union giving notice of a possible claim for damages if the provisions of the Act were not observed.

We contemplated, and indeed prepared for, the issue of a writ today. Having considered all the implications, however, we decided that it was not good policy to issue the writ today. There were a number of reasons for this decision: the short timescale in which to consult colleagues, the vagueness of the information from the unions, the possible limited duration of the dispute and above all the fact that the CPSA Annual General Conference was still in progress making it impossible for us to contact union officials or judge what we might be doing in relation to CPSA factions.

Clearly, the union is in breach of the 1984 Act and we cannot ignore the law. If the action continues I will be consulting urgently with you on Tuesday with the intention of using the legislation.

I am copying this letter to the Prime Minister, Barney Hayhoe, Sir Michael Havers and Sir Robert Armstrong.

*Yours sincerely,*

*Colin Phillips*

TONY NEWTON

*(as approved by MS(ss))*



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*John Taylor*

NON-COMPLIANCE WITH TRADE UNION ACT 1984 AT RUSHOLME (MANCHESTER) ILO

In my letter of 17 May I advised you of a developing situation at the Department's local office at Rusholme, Manchester.

I said I would be consulting urgently with you early this week about whether to invoke the 1984 Trade Union Act, because CPSA in Rusholme were calling for strike action but had not complied with the provision of the Act.

Since writing things have moved on. On Monday 20 May a strike did take place as was expected. On Tuesday 21 May the CPSA held a meeting and voted (in accordance with the 1984 Act) 34 for strike action and 34 against. Because of this hung vote all staff returned to work on that day. Today the Union held another meeting to clarify the position. This time there was a clear majority for strike action, which has now started, and which is expected to last at least until the 28 May. Again the provisions of the 1984 Act appear to have been complied with.

Clearly any question of invoking the Act has gone away for the time being. My officials will be keeping the situation under review, and I will contact colleagues should it become necessary.

I am copying this letter to the Prime Minister, Barney Hayhoe, Sir Michael Havers and Sir Robert Armstrong.

*John Taylor*  
*Tony*

TONY NEWTON

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