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CABINETTRADE UNION ATTITUDES TO THE IMPLEMENTATION
OF THE INDUSTRIAL RELATIONS ACT

Memorandum by the Secretary of State for Employment

1. I was invited to circulate for the information of the Cabinet a note appraising the current attitudes of the Trades Union Congress (TUC) to the implementation of the Industrial Relations Act (CM(71) 56th Conclusions, Minute 4).
2. At the present time, only certain parts of the Act have been brought into force. These include the provisions enabling unions and employers' organisations to register with the Chief Registrar; and those provisions establishing the Commission on Industrial Relations (CIR) as a statutory body. On 1 December, however, further major parts of the Act will become operative. These include, notably, the establishment of the National Industrial Relations Court (NIRC); the provisions on enforceable collective agreements and trade union recognition; and the emergency procedures. I envisage that those parts of the Act extending the rights of individual employees - the right to belong to a trade union or not to do so; safeguards against unfair dismissal; and the right of appeal by union members against unfair union practices - should come into force in the early part of next year (probably 1 February/1 March).
3. Since the bulk of the Act is not yet in force, it is premature to assess how far the attitudes and policy of the TUC and its affiliated unions will impede the reforms introduced by the Act. So far the TUC's strategy is to attempt to make the Act ineffective by:-
 - a. boycotting the institutions established by the Act. This means refusal of union officials to serve on the NIRC, CIR and Industrial Tribunals; and a refusal by affiliated unions to use the new machinery;
 - b. refusing to register - or more accurately in most cases deciding to withdraw from the register;

c. insisting on the inclusion in all collective agreements of a clause disclaiming the intention to make the agreement legally binding; and

d. putting pressure on employers to disregard the Act and carry on "business as usual" as though the Act did not exist.

4. Although there are certainly some affiliated unions (particularly among those recruiting white-collar workers) which have expressed misgivings about certain aspects of the TUC's policy towards the Act, there is no sign at present of any significant move to "break ranks" on the part of a major affiliated union; and no important unions leaders at present seem prepared to disassociate themselves publicly from TUC policy. A substantial number of unions have already, in accordance with TUC policy, withdrawn from the register; and only a small handful have made public their intention to seek registration or remain on the register. Nonetheless, some important unions are evidently in no hurry to de-register; and others have been advised by the Chief Registrar that, under their present rules, they may not lawfully withdraw from the register. In short, a decision about whether or not to register has not been, or cannot be, reached by a number of sizeable unions. The Appendix attached summarises the present position.

5. I have no doubt that it will be some while before trade unions affiliated to the TUC are prepared to adopt a more pragmatic, realistic or opportunistic approach to the Act. This is disappointing; but scarcely unexpected. The length of the period before there is a "thaw" in trade union attitudes will depend, to a considerable extent, on the position taken by the major white-collar unions - several of whom may wish to find an excuse to register and to use the Act in order to protect and defend themselves against the challenge from non-affiliated trade unions. It is by no means unlikely that such challenges will be made in such industries as banking and insurance, in local government, and in the post office. This may force the hand of unions such as the Association of Scientific, Technical and Managerial Staffs (ASTMS), the National Association of Local Government Officers (NALGO) and the Union of Post Office Workers (UPOW) and others, and thereby start a chain reaction which would certainly not be limited to the white-collar sector. In general, however, I believe that any overt attempts by the Government or by employers to exploit the provisions of the Act as a means of embarrassing or weakening trade unions will be more likely to harden than to soften trade union opposition.

6. Despite trade union opposition to the Act - or in some cases because of it - there is a great deal of evidence that employers are taking the Act very seriously, and are fundamentally reviewing existing procedures in the light of its provisions. This activity and re-thinking on the part of employers should have the effect both of bringing about more rapidly reforms in industrial relations and also of forcing the trade unions to face up to the need for change. For this reason, among others, it is far from true to say that the trade unions will, through their policy of non-co-operation, prevent the implementation or nullify the effects of the Act.

R C

Department of Employment

30 November 1971

APPENDIX

TRADE UNION REGISTRATION

The following statement shows the position at 26 November in respect of unions affiliated to the TUC.

<u>SIZE</u>	<u>TOTAL NUMBER OF AFFILIATED UNIONS</u>	<u>NUMBER NOT REGISTERED</u>	<u>REGISTRATION CANCELLED</u>	<u>STILL REGISTERED</u>
Large (100,000 members or over)	23	3	11	9
Medium (10,000 but under 100,000 members)	49	7	27	15
Small (under 10,000 members)	69	18	23	28
	<u>141</u>	<u>28</u>	<u>61</u>	<u>52*</u>

* Includes a small number of unions who have applied for cancellation, but whose rules require them to be registered (eg AEU, ASTMS).

