

editorial

Trade Union Immunities

Publication of the Government's promised Green Paper on Trade Union Immunities (Cmnd 8128) will, the Government hope, provoke a "vigorous and wide-ranging debate" on the issue. The Department of Employment are seeking comments by June 30.

The discussion paper has the virtue of addressing fairly fundamental questions as compared with the Government's last venture in this field, the Employment Act 1980, which merely tinkered with some of the detailed mechanics of the employment legislation. The paper touches on some more detailed aspects such as immunities for trade union funds, secondary industrial action and picketing. Most of these aspects were dealt with to some extent in the 1980 Act and the associated Codes of Practice. Although the paper is in the main content simply to set out the possible alternatives without expressing views either way, the tone of the paper does suggest that on these issues there is little in the way of further reform which would be practicable.

The paper notes that a major problem with any further limitations on picketing under the civil law is the question of obtaining details of the identity of the pickets concerned. The paper discusses the possibility of the police having some further powers to require the names of pickets though, wisely, it expresses concern that this might suggest abandonment of the principle of police neutrality.

The paper stresses the Government's opposition to the principle of the closed shop (its opposition being already stated in the recent Code of Practice on the subject) and discusses whether any further restraints on the establishment of new closed shops would be practicable.

Another contentious issue discussed is the question of whether the Government should have power to ban strikes which might create or threaten a national emergency. Alternatively, specific kinds of strike could be

outlawed in the legislation to avoid giving the Government excessive discretionary powers. This issue could possibly be linked with another issue discussed in the paper: the question of whether collective agreements should be legally enforceable – the paper observes that in most other countries such agreements are regarded as enforceable.

At the most fundamental level the paper discusses whether the present system of trade union immunities could be replaced by a system of positive "rights". This possibility would seem to raise more problems than it would solve. In particular the paper asks whether the granting of a specific right to strike would need to be matched with a corresponding right to "lock out" on the part of the employer.

Looking at the paper overall our initial reaction is that it is unlikely to produce any practically useful reforms. At the moment fairly major additional restraints on industrial action could no doubt be enacted. Clearly there are at present two major factors which would assist this. Firstly, the Conservative Government has a substantial majority in Parliament giving it a virtual free hand on legislation and secondly, trade unionists at the present time can be expected to approach industrial relations matters with a somewhat more subdued approach in view of the widespread recession. It is, however, to be doubted whether any of the reforms which might arise from the various alternatives set out in the paper could survive a change of government or an improvement in the economic situation.

Role of London

The crucial role of the Bank of England and some firms of City solicitors in effecting the settlement which brought about the hostages' release from Iran has been widely recognised by the media. This will no doubt provide a much needed boost for the morale of the City and a pleasing recognition of the pre-eminent position of the City in the provision of financial services.