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## Editorial

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### Tebbit's Laws — Mark III

Tebbit's Laws are essentially firefighting, rather than fire prevention. They deal with the resolution of conflict, rather than the elimination of conflict. The Employment Acts of 1980 and 1982 were passed at a time of severe industrial recession, and have not yet been seriously tested for their ability to cope with the stress of massive opposition. Further, there are indications that some trade union leaders are willing to adopt a less dogmatic approach to the industrial scene, and eschew political ideologies in favour of greater realism.

The Employment Secretary has announced that a further Bill is to be introduced into Parliament in the autumn, which will alter the law as it relates to the internal affairs of trade unions. This was foreshadowed in the Green Paper "Democracy in Trade Unions" (published earlier this year), the responses to which have indicated some concern about the shortcomings in the democratic processes which should be adopted by trade unions.

Two of the proposed changes, namely, the election by secret ballots of the executive committees of the unions, and the alteration of the rules relating to the political funds (laid down in the Trade Union Act 1913) are not likely to have any direct implications for industrial relations. The third proposal, that trade unions who call strikes without holding

ballots among those concerned will lose their statutory immunities, is far reaching in implication, and likely to be complex in implementation.

Compulsory arbitration machinery may be the right answer, but appears to have been discarded by the Government. Instead, it is proposed that all strikes must be called or endorsed only after a ballot has been held of those who will be required to take part. A failure to do so will lead to a loss of the statutory immunities which, in turn, could enable an injured party to seek injunctive relief or (less likely, but theoretically possible) an action for damages. But if all official strikes are to be preceded by ballots, there will have to be major changes in the rules of almost all trade unions, for the existing rules are frequently badly drafted and impractical to operate.

The most important changes which have to take place in contemporary industrial relations is the removal of conflict as a natural feature of the system, a recognition that the aspirations of management and labour are not incompatible, and the elimination of class and social distinctions. Tebbit's Laws may lead to more legal decisions, and possibly more claims for compensation. They may, on occasions, either exacerbate or lessen a conflict situation, depending on the reactions of the parties. But harmonisation of terms and conditions of employment, employee shareholding schemes, and industrial democracy will do more to eliminate the sources of conflict than legislation, no matter how popular the latter may be.