

CONFIDENTIAL

Prime Minister (2)

CC JV

MS 4/10

Management and Personnel Office

Whitehall London SW1A 2AZ

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GTN 273



4 October 1982

The Rt Hon Sir Geoffrey Howe, QC, MP
Chancellor of the Exchequer
HM Treasury
Parliament Street
LONDON SW1P 3AG

mf

Dear Chancellor,

SYMPATHETIC INDUSTRIAL ACTION

In the light of the sympathetic industrial action which was taken by over 30,000 civil servants on 22 September and given that the National Health Service dispute is continuing, we considered last week what further action we should take. As discussed, I believe that the time has now come to tell all civil servants, formally, of the Government's policy towards sympathetic action by its employees and explain the reasons for it.

Our officials have prepared the attached draft circular which, rightly in my view, is more in the nature of an explanation of the position rather than a collective warning to the Civil Service as a whole. Nevertheless it makes it clear that in future individual warning letters will not be issued so that departments can move immediately to disciplinary procedures in appropriate cases.

I want to issue a note on these lines to all civil servants, industrials as well as non-industrials, as soon as possible and I should be grateful to know, not later than midday on Wednesday, whether anyone has any comments.

I am copying this letter to the Prime Minister, to Members of the Cabinet, to the Attorney General and Lord Advocate, to the Minister for Overseas Development and to Sir Robert Armstrong.

Yours sincerely,
Buckley
(Private Secretary)

BARONESS YOUNG

Approved by the Lord Privy Seal and signed on her behalf.

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DRAFT CIRCULAR TO ALL CIVIL SERVANTS

Members of staff may be aware that some civil servants face disciplinary proceedings as a result of their unauthorised absence in connection with the dispute about NHS pay; and that others have been given a letter making it clear that they will be liable to disciplinary proceedings if they are again absent without authority in connection with a similar dispute.

2. This circular outlines, for the information of all staff, the Government's policy towards action taken by civil servants in relation to this or any other dispute which is not about Civil Service conditions.

3. Unauthorised absence normally breaks an employee's terms and conditions of service, and is a disciplinary offence. Where the unauthorised absence is in pursuit of direct industrial action (that is where labour is withdrawn in furtherance of a dispute about Civil Service conditions) those concerned automatically lose pay and allowances, but it has not been the normal practice to take disciplinary proceedings against the offence of unauthorised absence as such. This practice has not been altered.

4. However, the position is different when civil servants are absent without permission in connection with disputes which are not related to Civil Service matters (the dispute about pay in the National Health Service, for example). In those cases, civil servants who are absent without authority are liable to disciplinary proceedings in accordance with the rules set out in departments to complete as necessary.

5. Those civil servants who are now subject to the disciplinary procedures as a result of their unauthorised absence on 22 September had this position brought to their attention in writing. They were given a letter following their first unauthorised absence, making it clear that they would be liable to disciplinary proceedings if they again went absent for a similar reason. No disciplinary action was instituted following the first offence, and the point of the letter they received was to remove any possible misunderstanding about absence in connection with a dispute outside the Civil Service. In view of the explanation of the position on this matter given in this circular, it will not be the practice to issue individual warning letters in future.

NBPM
MS 6/18

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

5 October 1982

J Buckley Esq
Private Secretary
Management and Personnel Office
Whitehall
LONDON
SW1A 2AZ

Dear Jim,

SYMPATHETIC INDUSTRIAL ACTION

I am writing to confirm that, as I told Douglas Board this morning, the Chancellor has no comments to offer on the draft circular enclosed with Lady Young's letter to him of 4 October. *attached*

I am copying this letter to the Private Secretaries of those Ministers who received copies of Lady Young's letter.

Yours sincerely,

Margaret O'Mara

MISS M O'MARA
Private Secretary



est
Prime Minister ⁽²⁾

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Treasury Chambers, Parliament Street, SW1P 3AG

J Buckley Esq
Private Secretary to the
Lord Privy Seal
Management and Personnel Office
Old Admiralty Building
LONDON SW1A 2AZ

[Handwritten mark]
7 October 1982

Dear Jim,

NHS PAY DISPUTE - TUC DAY OF ACTION (22 SEPTEMBER 1982)

My letter of 23 September promised final figures of the number of staff involved in last week's TUC day of action, and of the number known to be taking sympathetic industrial action for the second time. I now enclose a table of figures, which you may wish to draw to the attention of the Lord Privy Seal.

The main points are as follows. The total number of civil servants involved was 32,045. Of these, 16,484 were industrials, and 15,561 were non-industrials. 146 staff (all non-industrials) are known to have been taking sympathetic industrial action for the second time.

Some departments who had large numbers of staff absent without authority on 22 September have yet to complete detailed analysis of the length of absences during the day, but a general pattern has emerged. Roughly one-third were absent for periods between 1 hour and half a day; rather more than one-third were absent for less than 1 hour; and rather less than one-third were absent for the whole day.

You might also be interested to know that we have been in touch with other employers in the public sector to discover how they handled absences by their employees on 22 September. Most were affected, although the level of absences varied, for example, from stoppages in 80 per cent of the coal industry to negligible absences on the railways. Although firm information is not yet available in one or two sectors (particularly local authorities

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and electricity boards), the general picture is that the response of public sector employers other than ourselves was to deal with the absences on sympathetic action by stopping pay for the period of absence; and there is no sign that any other measures were taken. There was one exception to this picture: 134 employees at British Steel's Machynys plant in South Wales were locked out on the day following the sympathetic action, but this was a decision by local management in the absence of any industry-wide policy.

I am copying this to Michael Scholar (No 10), to Private Secretaries to the Ministerial heads of departments, and to Richard Hatfield (Sir Robert Armstrong's Office).

Yours ever

H J BUSH
Private Secretary

| DEPARTMENTS | No of staff absent | Up to 1 hour | between 1 hour and $\frac{1}{2}$ a day | for the whole day | No of doubl. offenders |
|---|--------------------|--------------|--|-------------------|------------------------|
| Ministry of Agriculture, Fisheries and Food | 30 29 | 0 | 56 | 3 | Nil |
| HM Customs & Excise | 750 | 375 | 309 | 66 | 17 |
| Ministry of Defence | 530 13,600 | 180 8,200 | 314 700 | 36 4,700 | 2 Nil |
| Department of Employment | 2,879 | 50pc | 40pc | 10pc | 56 |
| Departments of the Environment & Transport | 955 | 40pc | 59pc | 1pc | 4 |
| Department of Health & Social Security. | 3,092 | 37 | 2,730 | 325 | 49 |
| Home Office | 250 43 | 26 | 266 | 1 | Nil |
| Departments of Industry and Trade | 350 232 | 122 | 175 | 285 | 1 |
| Inland Revenue | 3,754 | 445 | 2862 | 447 | 9 |
| Land Registry | 109 | 0 | 109 | 0 | Nil |
| Lord Chancellor's Department | 74 | 7 | 65 | 2 | Nil |
| Department for National Savings | 1,003 | 0 | 0 | 1,003 | Nil |
| Property Services Agency | 157 278 | 182 | 127 | 126 | Nil Nil |
| Scottish Office | 210 | 0 | 195 | 15 | 3 |
| Scottish Courts Administration | 45 | 0 | 32 | 13 | Nil |
| HM Treasury | 34 49 | 23 15 | 3 5 | 8 29 | Nil Nil |
| Welsh Office | 80 | 22 | 57 | 1 | Nil |
| Management and Personnel Office | 2 | 0 | 1 | 1 | Nil |
| Other Government Departments (Annex A) | 3,510 | 412 | 823 | 2,275 | 5 |
| TOTAL | 32,045 | 11,868 | 10,544 | 9,633 | 146 |

Other departments not included in Quarterly Staff Return (712 197 249 266 Nil)

Not all departments have yet completed analysis of length of absence of staff involved (columns 2-4) and therefore the totals are not quite precise.

| (ANNEX A) | staff absent | up to 1 hour | and $\frac{1}{2}$ a day | whole day | total offen- ders |
|---|-----------------|-----------------|-------------------------------|--------------|-------------------------|
| Intervention Board for Agricultural Produce | 1 | 0 | 1 | 0 | Nil |
| Cabinet Office | Nil | - | - | - | Nil |
| Victoria and Albert Museum | 30 | 2 | 28 | 0 | Nil |
| Science Museum | 23 | 20 | 3 | 0 | Nil |
| National Investment and Loans Office | Nil | - | - | - | Nil |
| Registry of Friendly Societies | 5 | 0 | 5 | 0 | Nil |
| Royal Mint | 3 | 1 | 0 | 2 | Nil |
| non-industrial industrial | 734 | 0 | 0 | 734 | Nil |
| Treasury Solicitor | Nil | - | - | - | Nil |
| Department of Education and Science | 80 | 66 | 13 | 1 | Nil |
| Department of Energy | Nil | - | - | - | Nil |
| Ordnance Survey | 204 | 202 | 1 | 1 | Nil |
| Foreign & Commonwealth Office (including GCHQ) | 120 | 0 | 120 | 0 | Nil |
| Overseas Development Administration | 267 | 17 | 2 | 248 | Nil |
| Public Trustee Office | 2 | 0 | 2 | 0 | Nil |
| Public Record Office | 29 | 7 | 17 | 5 | Nil |
| Central Office of Information | 8 | 2 | 6 | 0 | Nil |
| non-industrial industrial | 1 | 0 | 0 | 1 | Nil |
| Government Actuary | Nil | - | - | - | Nil |
| Her Majesty's Stationery Office | 67 | Nil | 25 | 42 | Nil |
| non-industrial industrial | 1,514 | 21 | 297 | 1,196 | Nil |
| Northern Ireland Office | Nil | - | - | - | Nil |
| Paymaster General's Office | Nil | - | - | - | Nil |
| General Register Office Scotland | 20 | 0 | 20 | 0 | 1 |
| Registers of Scotland | 94 | 0 | 94 | 0 | 4 |
| Scottish Record Office | 9 | 0 | 9 | 0 | Nil |
| Office of Population Censuses and Surveys | 26 | 5 | 19 | 2 | Nil |

| | staff absent | up to 1 hour | 1 hour and $\frac{1}{2}$ day | whole day | double offer- ders |
|--|-----------------|-----------------|------------------------------------|--------------|--------------------------|
| Export Credits Guarantee Department | 196 | 38 | 138 | 20 | Nil |
| Office of Fair Trading | Nil | - | - | - | Nil |
| Charity Commission | 50 | 27 | 22 | 1 | Nil |
| Crown Estate Office | non-industrial | Nil | - | - | Nil |
| | industrial | 4 | 4 | 0 | 0 |
| Crown Office Scotland and Procurator Fiscal Service | 23 | 0 | 1 | 22 | Nil |
| Director of Public Prosecutions | Nil | - | - | - | Nil |
| Law Officers Department | Nil | - | - | - | Nil |
| Lord Advocate's Department | Nil | - | - | - | Nil |
| Privy Council Office | Nil | - | - | - | Nil |
| TOTAL | 3,510 | 412 | 823 | 2,275 | 5 |