

WJH 166/5/88

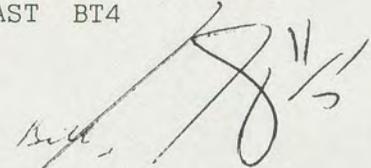


DUNDONALD HOUSE
UPPER NEWTOWNARDS ROAD
BELFAST
BT4 3SF

MANAGEMENT IN CONFIDENCE

Mr W J Hodges
Department of Finance and Personnel
Rosepark House
Upper Newtownards Road
BELFAST BT4

10 May 1988

Dear *Bill*, 

STRIKE ACTION BY DHSS STAFF AGAINST PARAMILITARY THREATS

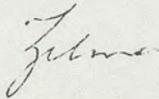
1. As agreed in our discussion with you on Friday afternoon, I enclose a note on the recent Londonderry occurrences and their relationship to the comparable situation in 1986.
2. The situation that arose in 1986 was a difficult one and there were conflicting views on the appropriate line to take in relation to time lost by staff acting in sympathy with directly threatened colleagues. DHSS felt that it was right in the circumstances to make no deductions from pay. But your Department - supported in Ken Bloomfield's minute of 4 September 1986 to Maurice Hayes reflecting the wider view - had serious reservations about our decision and its implications for the future. The matter clearly needed proper sorting out and there was indeed a stated intention to pursue it further through PCC. However, this was not done and in the event we now find ourselves in precisely the situation Ken Bloomfield had anticipated - our two Departments being agreed on the case for taking a tougher line on this occasion but prevented from doing so because the circumstances are not clearly distinguishable to any significant degree from 1986.
3. There is, as we agreed on Friday, a widespread expectation amongst staff, shared by TU Side, that there will be no deductions from pay, and not unreasonably, given the failure to impose any qualification on the 1986 concession. A suggestion now of interfering with pay will be bitterly resented and, no doubt, strongly opposed. There is on the other hand good reason to believe that TU Side, at the top, will share management's concern to see a massively exploitable position brought under control. We agreed therefore that the solution to the present predicament was likely to lie in
 - a. leaving the pay of all absentees untouched; and
 - b. the issue of a joint statement from Civil Service management and NIPSA expressing united opposition to all forms of intimidation and threat against staff; acknowledging that the action taken by

DHSS staff in support of threatened colleagues serving in the Londonderry area had - while understandable - been exceptional; and making it clear that such support will in future be best demonstrated by remaining at work and refusing to allow malignantly motivated forces to disrupt essential services;

- c. the issue to staff generally of a circular reiterating the basic principle that unauthorised absence constitutes a breach of contract resulting in loss of pay.

4. You undertook to put a proposal along these lines to Sir Kenneth Bloomfield.

Yours sincerely



Z I DAVIES (MISS)

cc. Secretary

STRIKE ACTION BY DHSS STAFF AGAINST PARAMILITARY THREATS:

LONDONDERRY SITUATION AND EARLIER BACKGROUND

1. The **Appendix** produces a chronology of events beginning with the threat issued by PIRA on 22 April 1988 against fraud investigators in the Londonderry and culminating in the return to work by the staffs of Londonderry and Strabane SSOs on 2 May.
2. It will be seen from the chronology that
 - a. **on Monday 25 April** the staff of Londonderry SSO stopped work around lunchtime following a meeting which had considered the INLA death threat against fraud investigators from outside the area and local staff assisting them;
 - b. **on the following day, Tuesday**, the Londonderry staff stayed away from work and the vast majority of staff throughout the SSO network and main benefit branches (including fraud investigation) left their offices around midday as an expression of solidarity with their colleagues in Londonderry, absences on the day totalling about 4000;
 - c. **on Wednesday** all offices, apart from Londonderry and Strabane SSOs, resumed work, and in the course of the same day the staffs of the latter two offices decided, in the light of INLA's withdrawal of their threat on the previous day, to resume work on Thursday;
 - d. **on Thursday** work resumed at Londonderry and Strabane SSOs.
3. Resulting from these events DHSS has to decide whether pay should be withheld for periods of absence from work, having regard to the general principle that people absenting themselves without authority, other than those under threat or other intimidation, are regarded as in breach of contract and consequently not entitled to be paid. Of obvious relevance to the determination of the issue is the, in many respects, similar situation that arose in the summer of 1986 when in the midst of a spate of sectarian threats against staff in various parts of the Service, the staffs of Lisburn, Carrickfergus and Newcastle SSOs came under threat from paramilitary sources. In the case of Lisburn SSO, where the problem had been at its most acute, a threat from a Protestant paramilitary group against Roman Catholic personnel

prompted a withdrawal of labour by the entire staff of the office. In the event the Department decided that in the circumstances arising it would have been unreasonable to impose pay deductions on the large numbers of staff in Lisburn and across the SSO network who had absented themselves in support of threatened colleagues. This decision, it should be acknowledged, was taken despite the existence of conflicting views within PCC and against a strong expression of support for the strike by a Minister.

4. The Londonderry situation would appear to have much in common with 1986, in that -
- (i) the stoppages of work were triggered from paramilitary sources, with the INLA threat explicitly associating "Loyalists" with the fraud activities to which exception was being taken;
 - (ii) solidarity was again spontaneously in evidence, on this occasion extending well beyond the SSO network, and producing the same difficulty in distinguishing between threatened staff and the very large number of people coming out in support;
 - (iii) there has at all times been a common purpose and close co-operation between management and Trade Union sides, and already there have been clear indications from TUS of an expectation - contrary, it would appear, to their attitude in 1986 - that staff absences will be treated on the same basis as last time;
 - (iv) the staff as a whole have been commended from various sources for having stood together against the common threat to their ability to assist in maintaining essential services; Mr Needham on this occasion publicly expressed understanding of the staff's wish to show solidarity and the Department's press release was in similar vein.