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② BIF 18 May

© SIR KENNETH BLOOMFIELD:

cc: Dr Quigley  
Mr Elliott

**STRIKE ACTION BY DHSS STAFF AGAINST PARAMILITARY THREATS**

*We discussed this at PWS/Parade on 18 May, and that as all of your staff who accompanied us to the...*

1. Please see Zelma Davies' letter of 10 May to me and its supporting documentation. This is self-explanatory of the sequence of events leading to the situation, of which you are aware, under which staff in the DHSS Social Security network absented themselves from duty in large numbers (4,000) following direct threats to their colleagues in the Londonderry SSO from both wings of the Republican paramilitary movement.
2. You will recall the events of 1986 when direct sectarian threats were made against the staff in the Lisburn SSO. For convenience I have attached relevant papers, including your minute of 4 September 1986 to Maurice Hayes.
3. There are similarities and differences between the situations in 1986 and 1988. In 1986 the threat was directly sectarian and we all understood and applauded the actions of staff in the Lisburn office and subsequently in the Newcastle and Carrickfergus offices where similar direct threats were made. But we had a major difference of opinion as to the action to take in respect of those who came out in sympathetic solidarity action with their directly threatened colleagues. At the end of the exercise we concluded that we should quietly put the papers away, having taken no action by way of deduction from pay or disciplinary notes against anyone directly or indirectly involved.
4. We start of course as we did in 1986 from the fundamental principle that no civil servant shall be paid if he or she absents himself from duty without prior approval. That is an absolute which is then only qualified by factors in each individual situation and we were all agreed that the 1986 situation represented a "one off" and must not be allowed to be repeated in relation to any officers who took sympathetic and solidarity action in support of colleagues. I think we were all conscious of the fact that if civil servants wish to take sympathetic and solidarity action in extreme situations, particularly under threat from paramilitary organisations, then such sympathetic action should be accompanied by an element of self-sacrifice. There can be little doubt that our message to civil servants must continue to be that the best way to serve the community and defeat paramilitarism is by staying at their work and continuing to behave in a normal way. That does not apply to those directly threatened where, provided the various procedures we agreed

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to deal with situations of direct threat are followed, no penalty will normally be applied where they absent themselves from duty.

5. The situation which arose in April in the Londonderry SSO was different in character to the 1986 situation. The threat in April was against staff involved in a particular activity rather than because of their religion or perceived affiliation. But you will note that when INLA entered the scene a sectarian element was introduced to the threat in that loyalist workers, particularly from the Portadown area, were identified and mentioned.
6. Nor can there be any doubt that the community as a whole admired the way in which the staff reacted and forced the paramilitary organisations to withdraw the threats they had made and I am not aware of other than praise from Ministers for the general reaction. But we have a serious situation when 4,000 staff were, for various times, absent from duty in the main by way of sympathetic reaction to the threat to their colleagues and suffer no penalty. I am prepared, as Zelma's letter to me makes clear following the discussions I have had with Alan Elliott and his colleagues, that for a whole variety of reasons on this occasion we are not well placed to take deduction from pay or any other action against any of the 4,000 staff involved. The expectation in the Trade Union Side that following the 1986 precedent no deductions from pay would be made; the lapse of time since the action was taken without any management suggestion that deductions would be effected; and the general circumstances of community reaction of a favourable kind do point to a major problem for us if we now seek to take retrospective action.
7. But this time we cannot stand by and do nothing. If it becomes the norm for staff in any part of the Civil Service to absent themselves in sympathetic or solidarity terms with colleagues without penalty, we can easily have a situation open to massive exploitation within and without the Trade Union Side and we do ourselves no good at all as managers of an efficient organisation. We must make it abundantly clear not only to the Trade Union Side but in my judgment by an agreed communique from both sides of the Central Whitley Council that sympathetic strike action, while understandable in circumstances of these kinds, is not the best course of action for staff to take and that if they nevertheless take it in exercise of sympathy, solidarity or conscience, then those indirectly involved will suffer financial penalty. The question of disciplinary action in addition to financial penalty would have to be adjudged against the circumstances of each case.

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