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MR TURNBULL

14 January 1984⁵

E(A) - EMPLOYMENT PROTECTION

We strongly support extending the qualifying period for protection against unfair dismissal to two years for all firms. This can only increase employment opportunities and reduce industrial tribunal cases.

The accompanying E(A) paper gives Tom King's views on the Department of Employment's scrutiny team's relatively watered down recommendations. We would differ specifically in two areas:-

The scrutiny suggests a £10 deposit to deter frivolous claims for unfair dismissal. A better proposal would be a £100 deposit for any claimant continuing after being advised against by a pre-hearing assessment. The present sanction in this situation is the possibility of being held liable for costs, but tribunals are very reluctant to impose costs and have only awarded them in a third of such cases.

On maternity rights it is manifest that small firms will be more adversely effected than larger ones in keeping jobs open for pregnant employees. Enlarging the exemption for firms employing less than 20 (rather than 5) must be sensible. It must also be a nonsense for employers to be responsible for maternity pay which they then reclaim from the Government, when the DHSS is responsible for paying the same mothers a maternity allowance. Tom King is surely wrong to dismiss a rationalisation here.

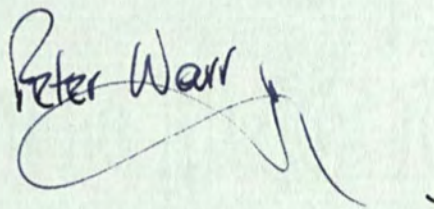
There are other proposals to come out of the scrutiny which could impact upon Employment law - for example making it easier to become self-employed thereby allowing the employer not only to avoid the burden of PAYE but also employment protection requirements. Or as another variant allowing

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employees to waive their employment protection rights and so increase their chances of getting a job.

We recommend that you endorse the two year qualifying period for employment protection but do not allow Tom King to close the door on other proposals that may come directly or indirectly out of the scrutiny, or out of the various reviews on jobs.

A handwritten signature in blue ink that reads "Peter Warr". The signature is written in a cursive style with a large, sweeping flourish at the end.

PETER WARRY

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