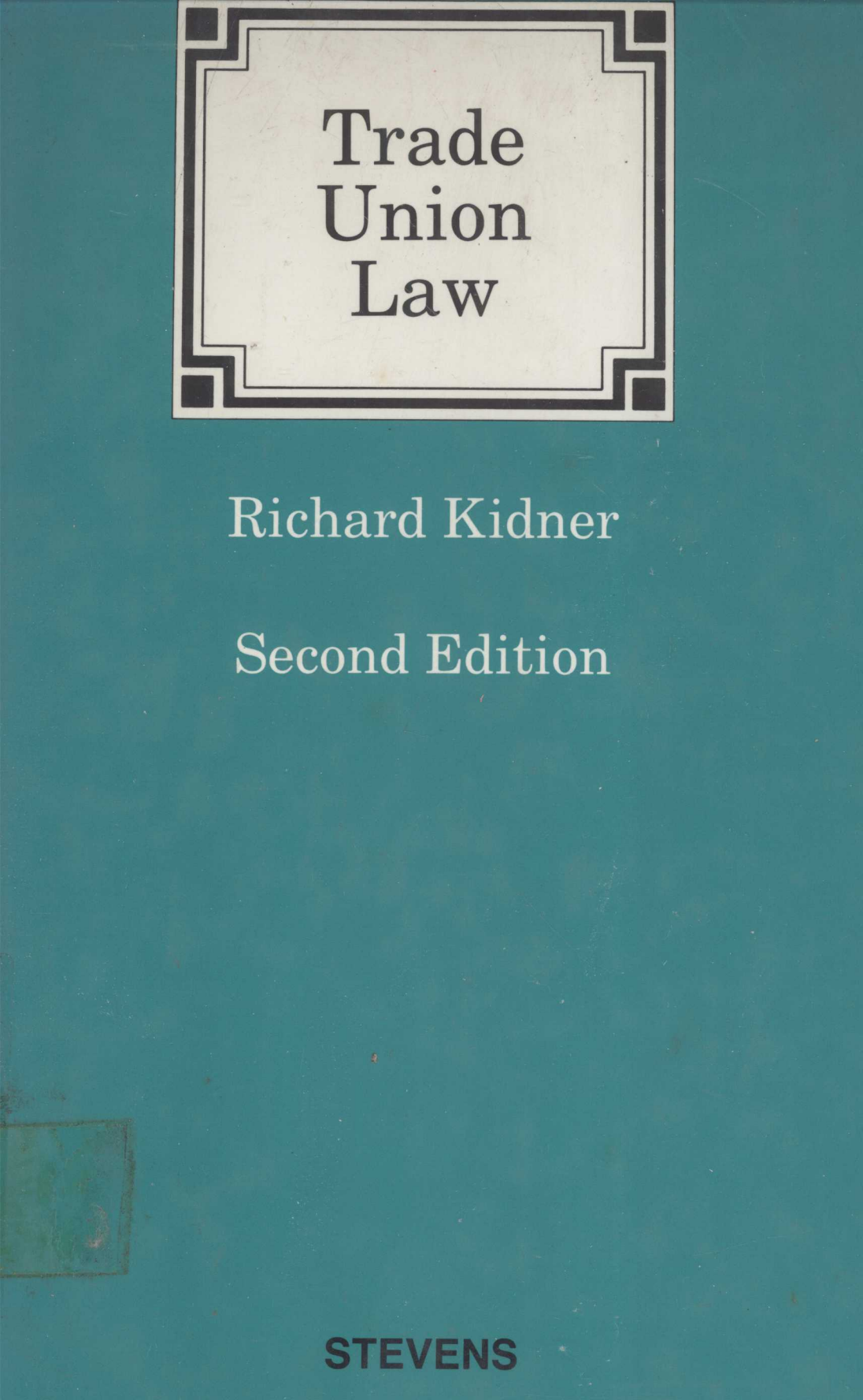


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Richard Kidner

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Richard Kidner

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PREFACE

Labour law is always on the move and the changes of the last four years have been considerable. This has meant that much of the book has had to be re-written or revised and not one page of the first edition remains unaltered. At the same time the opportunity has been taken to re-arrange some of the material in order to keep the structure of the book in line with developments in the shape of labour law. Thus a new chapter (Chapter 10) has been written on trade union immunities and the freedom to strike, and the subject of recognition is now dealt with in Chapter 1 as part of the status of a union. Recent legislation on the closed shop has involved re-writing that chapter and other chapters have been merged together.

For commercial reasons the publishers have required that this edition should be slightly shorter than the last but this has been achieved without the sacrifice of any substantive current law, and indeed this edition contains more material than the last. It has been possible to achieve this goal largely due to the activity of the legislature in reducing the scope of collective labour law. Thus the section on the Fair Wages Resolution, the Schedule 11 procedure, and claims for recognition have all gone, as has the procedure for seeking information under the Industry Act 1975. Unfortunately it has also been necessary to sacrifice the historical introduction even though it is felt that it may be difficult to understand the modern structure of labour law without an appreciation of its origins. However, other excellent accounts exist and there has been an increasing interest in political and economic history which is reflected in recent journals and research papers. However, it is hoped that when (and if) better times return the chapter may be restored.

Savings have also been made by exercising that discipline which perhaps all authors ought to be subject to, of rigorously studying the text to see if the point can be made more concisely and accurately and without repetition. This has not been an easy task, but I am sure the book is better for it.

The end result has been that enough space has been saved to enable full consideration of the modern law and no point of substance that was in the first edition has been omitted from the second and a great deal has been added.

The object of this edition is the same as that of the first, that is to provide a concise and accurate statement of current collective labour law, covering not only the internal affairs of trade unions, but also the relationship between a union member and his employer together with a study of the external affairs of unions and assistance for the process of collective bargaining. Health and safety has again been omitted (except for the position of safety representatives) largely because it is a specialised subject with its own excellent texts. The tentative steps towards workers' democracy have also not been covered because progress on the European draft directive has been so painstakingly slow that it cannot be said that its provisions are likely to become law during the lifetime of this edition. Although reform on union ballots and the political fund rules is likely within the next year or so, much depends on who wins the next election and as definite proposals have not yet been formulated it was thought inappropriate to deal with the subject in the text.

The object has been to make the text as lucid and readable as possible without sacrificing accuracy or avoiding any of the difficulties inherent in the subject, and I have also tried to provide in the footnotes all references which

might prove useful in studying a particular point in depth. Labour law is not a cohesive subject in its own right but is rather an amalgamation of contract, tort, trusts, and statute law, all of which is directed to resolving practical issues. Accordingly I have tried to resolve these disparate elements into a structure of labour law which not only makes practical sense but is also theoretically coherent. Such an account cannot ignore the objects for which the law is designed and the purposes to which it is put, so that practical issues have been ever present in writing the book. Some might object that the subject-matter ignores the factors which really govern the employment relationship and the position of unions. However this is, for better or for worse, a book on law rather than on industrial economics or industrial sociology, although the social background to the law cannot be, and has not been ignored. Labour law is not central to industrial relations, but the fact that it is only marginal does not mean that it should not be explored and discussed but rather that one should be aware that the law does not and cannot provide all the answers. What it does is to provide a framework for industrial activity whose shape determines the extent of power which one side or the other in industrial relations may bring to bear. Accordingly the study of labour law is important not only in itself, but also as a formative element in the social structure, and it is likely that expertise in the subject will be of ever increasing importance.

Once again my thanks are due to our librarian, Mr. Bill Hines, for his cheerful attention but my principal debt of gratitude is owed to Mrs. Christine Davies who typed a very scrappy manuscript with extraordinary efficiency and goodwill.

The principal revision was completed in October 1982 but a number of amendments were made up to May 1983.

May 1983

Richard Kidner

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