

Changes in Legal Status

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IT is customary in souvenirs of this kind to encourage ourselves by recounting a consistent progress in the achievement of our ideals; but whatever accession of strength and power may have come to Labour generally during the period which we celebrate, it would be altogether misleading to suggest that the emancipation of Trade Unionism from legal restriction reveals any such unbroken development.

In 1927, there was passed through Parliament the notorious Trade Disputes and Trade Unions Act, and now that the immediate dust of the conflict has passed away we are the better able to appreciate the great set-back which that Act has caused to the lawful freedom of industrial combination and action.

For hundreds of years, ever since the disappearance of serfdom, the law of this country has enabled employers and employed alike by giving notice under their contracts to terminate their engagements the one with the other. Such a right was not seriously interfered with even by the Combination Act of 1800—for that Act dealt only with combinations for altering conditions of labour by preventing any person employing whom he would or preventing workmen hiring themselves or inducing them to leave their work; it did not extend, as does the Act of 1927, to an interference with the right of workers to give notice in combination of the cessation of their contract of service. The right to cease labour has always been a part of the basis of our notion of a free people and this Act, by making it illegal for workmen to leave employment even after giving notice, imposes a servitude upon the worker worse, at any rate in theory, than any which has existed since the advent of the Trades Union Congress. May I be allowed to quote a passage from my speech in the House of Commons on the Second Reading of the Trade Disputes and Trade Unions Bill on this point?