

Confidential Filing

PM's meeting with Tom Boardman, and a delegation from the British Chambers of Commerce to discuss the Employment Bill.

PRIME MINISTER

April 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
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5 June 1980

PRIME MINISTER

Prime Minister

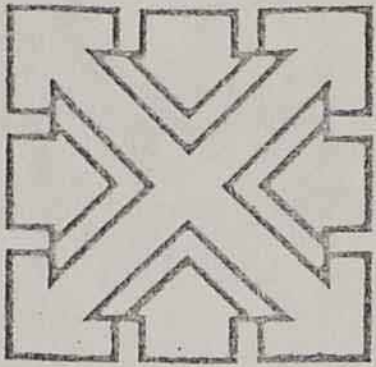
THE ABCC MEETING

It was most unfortunate that the Daily Telegraph produced their extraordinary report following yesterday's visit by ABCC. Not surprisingly, the delegation were very upset. Not least, it could well destroy any credibility that the delegation have built up with the other colleagues present at the meeting - which after all was an important purpose of the whole exercise. Joseph Egerton, their Economics Director, rang me this morning and told me that he was writing a letter of apology to Jim. I suggested that he copied it to all the other colleagues, which he said that he had already decided to do. Apparently Tom Boardman will be writing directly to you. I suggested that it would be a good thing if Tom wrote a letter to the Telegraph setting the record straight and making it quite clear that no member of the delegation spoke in the terms reported to the Telegraph, or would have dreamt of doing so.

I hope this incident will not have marred what from our point of view was quite a helpful step forward in educating colleagues in preparation for the Green Paper.

JOHN HOSKYNS





The Association of  
British Chambers of Commerce

Sovereign House, 212-224 Shaftesbury Avenue  
London WC2H 8EB

Telephone: 01-240 5831/6

PRESIDENT: TOM BOARDMAN

DIRECTOR-GENERAL: W. A. NEWSOME

Personal and in Confidence

JRSE/sks

RT Hon James Prior MP,  
Secretary of State for Employment,  
Department of Employment,  
Caxton House,  
Tothill Street,  
London SW1N 9NA

5th June 1980

*Dear Mr. Prior,*

You will no doubt have already seen the article on the front page of the Daily Telegraph. You will I am certain be extremely angry, and justifiably so, at the statement which opens 'one Association official'. The Daily Telegraph's earlier (mis) use of the word 'official' to cover (honorary) officers of an Association could be held to throw suspicion on all members of the delegation. I have today telephoned all the members of the delegation and none of them spoke to the Press. Tom has asked me to convey his personal apologies - he is in the North and says he will write to you on his return to London. *I have been asked by all of them to express their view that this is not how they feel.*

I suppose that as the only ABCC staff member on the delegation, the term 'official' more properly applies to me. I did not speak to the Daily Telegraph after or even before the meeting. I did have a short word with Miss Patricia Tisdall of the Times, but I certainly did not make any criticisms of you. Her piece in the Times today is a resume of our submission on immunities. Apart from a factual briefing, the only points I made were that (as on previous occasions) you had given us every encouragement to come to you with problems and comments and that we had been most sympathetically received.

Although as you are aware, I have my doubts about certain aspects of your policy and, in particular, one or two aspects of its presentation, I have nothing but praise for your determination throughout to ensure that at every stage there is full consultation. In the section of the Annual Review for which I was responsible (copy attached, page 7) you will find that I wrote 'it is therefore entirely right to record the great trouble taken by the Secretary of State for Employment, Mr. Prior, and his Parliamentary Under-Secretary, Mr. Patrick Mayhew MP, to discuss their policies with interested parties, including representatives of the ABCC. Such consultation makes it more likely that their policies will work'.



I hope that this provides convincing evidence that I was not the official referred to in the Telegraph. I do not feel that such comment enhances our credibility and inevitably distracts attention from what we are trying to do, namely, to convince you that it is possible to go further and that adjustment of your policies to this end is not so much desirable as essential. Abuse of an individual minister does not seem to me a particularly effective method of achieving this.

*Yours sincerely*  
*J. R. S. Egerton*

J.R.S. Egerton  
Economics Director

encs.





bcc Wolfson  
Hoskyns  
Ingham  
MFD  
/HS  
Jm

10 DOWNING STREET

*From the Private Secretary*

5 June 1980

I enclose a copy of the record of yesterday's meeting with the ABCC on trade union legislation.

I am sending a copy of this letter and enclosure to Peter Shaw (Department of Education and Science), Don Brereton (Department of Health and Social Security) and David Edmonds (Department of the Environment). and to David Wright (Cabinet Office).

TPL

Richard Dykes, Esq.  
Department of Employment.

TUR

5/8



SUBJECT.

RECORD OF A MEETING WITH REPRESENTATIVES OF THE ASSOCIATION  
OF BRITISH CHAMBERS OF COMMERCE AT NO. 10 AT 1600 HOURS ON  
4 JUNE 1980

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Present:

Prime Minister	Mr. Tom Boardman
Secretary of State for Employment	Mr. John Madocks
Secretary of State for the Environment	Mr. Stanley Speight
Secretary of State for Health and Social Services	Mr. John Risk
Secretary of State for Education	Mr. J.R.S. Egerton
Mr. David Wolfson	
Mr. John Hoskyns	
Mr. Bernard Ingham	
Mr. Tim Lankester	

\* \* \* \* \*

Mr. Boardman said that the ABCC had strong views on the question of trade union immunities and legislation. They were grateful to Mr. Prior for having considered their representations, but on several matters they had not been able to convince him. There were many things in the Employment Bill which they welcomed; but there were also some important omissions which would make it much less effective in its operation than otherwise might have been. Their main disappointment was that the immunity for union funds contained in Section 14 of the 1974 Act would remain intact. Despite the restriction on the Section 13 immunities in the Bill, it would still be impossible to sue the unions for their members' actions; and as a consequence, the actions which the Bill was intended to outlaw would in very many cases continue. ABCC members were opposed to proceeding against individuals because this would create martyrs and would encourage worker solidarity. By contrast, they felt that there would be less protest if employers took out proceedings against the unions. Furthermore, there was the general point

/ that



that, as a counterpart to the powers conferred on them by the closed shop, unions should be expected to discipline members who went against their instructions. It had been argued against this that 95 per cent of strikes were unofficial. But very often unions were conniving in unofficial strikes, and therefore in these circumstances it ought to be possible to proceed against them.

Mr. Prior said that, in his view, in most cases of unofficial strikes, the courts could not be expected to hold the union responsible. The experience of the 1971 Act showed how difficult it was to apply the concept of 'vicarious liability'. In most cases, therefore, even if union funds were to be put at risk, the employer's only recourse would still be the existing one of taking the individual to court. Employers were also known to be reluctant to pursue actions for damages. More generally, if the Government had tried to remove the immunity for trade union funds, this would have united the trade union movement in all-out opposition to the legislation; and this could have been very damaging indeed. The more subtle "step by step" approach was preferable; for this allowed the idea of legislation in the trade union field to grow. He did not deny that there might be individual martyrs as a consequence of the present approach (though in many cases employers could take out proceedings against union officials); but the alternative of going for union funds would have been much worse. Nonetheless, the Green Paper would discuss the whole question of immunity of union funds in detail.

Mr. Madocks said that he disagreed with Mr Prior's assessment that to have repealed Section 14 would have rallied the trade union movement against the Government. If union funds were seen to be at risk for legitimate reasons, this would be acceptable: he quoted two cases under the 1971 Act in which the unions had paid up.

/Mr. Boardman



Mr. Boardman said that the ABCC were also disappointed with the Clause in the Bill on secondary action. In their view, all secondary action should be illegal. Mr. Risk added that the Clause seemed to legitimise secondary action in a way which it had not done before. The failure to outlaw all secondary action seemed inconsistent with the Government's Election Manifesto.

Mr. Prior commented that, of course, all of the immunities, except in respect of contracts between the employer and the employee party to a dispute, could have been removed. But this would have taken the law back to what it had been before 1906, and it would have been even more restrictive than the 1927 Act. If the Government had gone down this route, again it would have caused great trouble. At the same time, critics of the Bill ought to recognise that the provisions on secondary action were more restrictive than they often thought: the immunities were confined to first customer/first supplier, and the action in question had to be targeted at the company in dispute if it were to attract immunity. It was better to legislate further if experience with the Bill proved it was necessary. The trade unions understood that the Government would be forced to go further if they tried to circumvent the Bill.

Mr. Boardman said that he was concerned about the timing of future legislation. If the Government was to wait to see what would be the experience of the existing Bill, it would be several years before anything further was done. Meanwhile, the balance of power between employers and trade unions would continue to be heavily weighted in favour of the unions; and this would make it difficult to get sensible pay settlements.

Mr. Madocks then raised the question of the closed shop. If employers and employees genuinely wanted a closed shop then they should have one. ABCC were opposed to compulsion, and they were disappointed with the relevant provisions in the Bill. Mr. Prior said that he was confident that, following the passage of the Bill, very few new closed shops would be set up; and he thought that under the proposed Code of Practice many would be renegotiated. He hoped that the ABCC would encourage their members to renegotiate.

/He also



He also thought that the expulsion and exclusion Clauses in the Bill would reduce the power of the closed shop - and all the more so since an employer would be able to join as a party in unfair dismissal proceedings the trade union which was ultimately responsible. Compensation in unfair dismissal cases could go as high as £16,000. Mr. Boardman said that these Clauses would not be very effective because all too often it would not be possible to find clear evidence against the union. The Prime Minister commented that insofar as there was the right of joinder in unfair dismissal cases, the principle of taking action against the trade unions, as opposed to individuals, was already in the Bill.

Mr. Prior said that he could not publish the Codes of Practice until the Bill became law. He was quite prepared, however, to consult privately with the ABCC on their content before then.

Mr. Madocks said that the ABCC's concerns were relevant not only to the private sector but also to the public sector. With the Bill as it stood, the unions would have <sup>the</sup> potential to cause continuing large-scale disruption in the public sector.

Mr. Risk said that he hoped that the Government would in future use the phrase "industrial disruption" rather than "industrial action".

Finally, Mr. Prior said that besides dealing with the immunity of union funds, the Green Paper would cover the whole question of immunities and related issues such as compulsory ballots and union labour only contracts. He would gladly consult with the ABCC in the drafting of the Green Paper.

The meeting finished at 1700 hours.

12.



3 June 1980

*Jim Hankes*

PRIME MINISTER

GREEN PAPER - ABCC MEETING

This minute is just to remind you of the real purpose of the meeting and make some suggestions. You only have about an hour, so we have to use the time well.

1. PURPOSE OF THE MEETING

1.1 The overt purpose is obvious - to allow ABCC to make their representations on the Green Paper "menu". The other Ministers there, apart from Jim, have been invited because their Departments are themselves large employers and you felt that it was important that they should understand some of the issues which already concern employers in the private sector.

1.2 The real, but covert, purpose is to allow colleagues who are not familiar with the issues to hear Jim discussing them directly with outsiders who are.

2. HOW THE MEETING MIGHT GO

2.1 I suggest that you do not spend too long presenting the Government's position (paragraph 5 of the Department of Employment brief). With time so short, you could simply start the meeting on the lines of section 1.1 above and then invite Boardman and co to put the substance of their case (their paper is set out in order of priority in their view, so that if we run out of time, they will not lose too much).

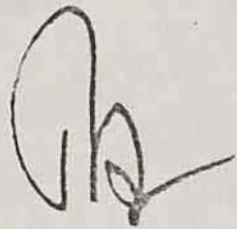
2.2 The main discussion will therefore be between the ABCC team and Jim, with you and the others listening. In my view that is the only way to make any progress on our real objective (section 1.2 above). The meeting is obviously not intended as a re-run of arguments amongst colleagues!

2.3 We could waste much of the time playing around with ashtrays and tumblers etc, trying to understand how secondary action would work. If that happens, I would hope that Boardman would fairly quickly make the point that, if it's that complicated, it's probably not going to work - and then move onto more fruitful areas. If he doesn't, you may have to do it for him.



FOLLOW-UP

- 3.1 We are drawing a bow at a venture with this meeting. It may be useful, it may not. All we know is that if we don't try something along these lines, the internal Green Paper debate will run into the sand much as the amendments to the Employment Bill did. If the ABCC team are sharp and quick on their feet, we may make some progress in probing the Department of Employment line.
- 3.2 If that happens, it may be possible, either immediately after the meeting or in a week or two, to suggest one or two further sessions, with other colleagues present; and one of them by the CBI, provided we can count on Pennock.
- 3.3 What is more likely is that Jim will stonewall them fairly successfully and will summarise by pointing out to the visitors how terribly complicated it all is. But it should be possible to use that outcome, also, as a reason for further meetings. It is complicated and it is important. Getting it right, as Jim has often said, is the key to Britain's future, and thus the Government's. So the case for one or two follow-up sessions (certainly the CBI and perhaps Len Neal plus one or two of his CPS group) is really ready made.



JOHN HOSKYNS



CS



*PM*

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Tim Lankester Esq  
Private Secretary  
10 Downing Street  
London SW1

*RM*

2 June 1980

*Dear Tim,*

... As you asked in your letter of 28 May I enclose briefing material for the Prime Minister's meeting with the Association of British Chamber of Commerce on Wednesday 4 June. Comments on the Association's memorandum setting out their views on trade union immunities are included.

I am sending copies of this letter with enclosures to Don Brereton (DHSS), David Edmonds (DOE) and Peter Shaw (DES).

*Yours ever*  
*Richard Dykes*

R T B DYKES  
Principal Private  
Secretary



*cc Mr Hoskyns  
Mr Liffman*

BRIEF FOR MEETING WITH ASSOCIATION OF BRITISH CHAMBERS OF COMMERCE ON 4 JUNE

1. The Prime Minister has agreed to meet representatives of the ABCC at 4.00pm on Wednesday 4 June. The Secretaries of State for Employment, the Environment, Health and Social Services and Education and Science will also be present.

2. The representatives of the ABCC will be

- ✓ Mr Tom Boardman, immediate Past President of the ABCC
- Mr John Madocks, Chairman of Council of the ABCC and a Past President of the Nottinghamshire Chamber
- Mr Stanley Speight, immediate Past President of Council.
- Mr John Risk, Deputy Chairman of Council, Past President of the Glasgow Chamber and Secretary of Coats Patons Ltd.
- Mr J R S Egerton, Economics Director.

3. The ABCC have said that the main subjects they wish to discuss are

- (i) trade union immunities (particularly s.14 of the Trade Union and Labour Relations Act 1974 which provides unions themselves with a wide immunity in tort)
- (ii) secondary industrial disruption (which they believe strongly is a more accurate term than industrial "action"), including the use of ballots.

They have submitted a memorandum covering these and related issues. Some comments on this memorandum are attached to this brief.

4. After welcoming the ABCC representatives and inviting them to put their views, the Prime Minister will wish to explain the approach the Government are taking to the issue of trade union immunities.



## The Employment Bill

5. In the Bill the Government have taken the steps they believe immediately necessary to correct the dangerously wide immunities for secondary action which (as the House of Lords confirmed in the MacShane case) had been established as a result of the legislation of the last Government. Under the present law there is immunity for any action - however remote from the original dispute and however slight its connection with that dispute - which the person calling the action believes will further that dispute: in other words the only limitation on secondary action is a purely subjective one. Clause 16 of the Bill withdraws the immunity from all secondary action except that undertaken at first suppliers and customers and even then imposes limits which will, for example, make the action unlawful if the employer in dispute is closed down by a strike of his own employees (as during the BSC dispute) or the action is directed outwards towards other employers rather specifically targeted on the business of the employer in dispute. In addition, the Bill, outlaws all secondary picketing.

6. As soon as the Bill has received Royal Assent the Secretary of State will be consulting industry on the draft Codes on Picketing and the Closed Shop so that they can be approved by Parliament and in operation before the next pay round.

## The Green Paper

7. The Government have undertaken to publish a Green Paper reviewing in depth the whole issue of trade union immunities. This will deal with the following issues

- the immunity of union funds
- the extent of the immunity for secondary action
- related issues such as compulsory ballots and union labour only contracts.

The Secretary of State has in mind publication in the autumn when the Codes on Picketing and the Closed Shop have been approved and published. It is intended that it will provide the basis for wide consultations and a full and informed public debate on a complex and very important issue.



## Immunity for trade union funds

8. Clause 16 does not put trade union funds at risk for unlawful action by union members or officials for 4 main reasons:

(i) the traditional remedy of <sup>an</sup> injunction against an individual is effective in getting a strike call withdrawn (eg the case of Duport Steel v. Sirs and the behaviour of all but one union in the recent "Day of Action" case).

(ii) the experience of the 1971 Act showed the difficulty the courts have in applying the notion of "vicarious liability" to trade unions and that putting union funds at risk does not avoid the difficulty of martyrdom: 95% of disputes are unofficial and in most cases the courts could not be expected to hold the union responsible: the employers only recourse would then be the existing one of taking the individual to court.

(iii) employers are known to be reluctant to pursue actions for damages (and in the Con Mech case/<sup>in 1974</sup> the fine on the AUEW was paid by an anonymous third party in order to prevent a national engineering strike).

(iv) no issue is more likely to unite the trade union movement in all out opposition to Government legislation (contrast the fiasco of 14 May).

For all these reasons the Bill does not affect s.14 of the 1974 Act; but the whole issue will be explored in the Green Paper.

## Union Ballots

9. The question of compulsory union ballots was fully debated in the Commons on the Third Reading of the Employment Bill. There are three main difficulties:

(a) The Government is anxious to extend the use of secret ballots for a variety of purposes, but in particular for elections. Compulsion would undermine the Government's voluntary approach before it had been



given a proper chance to work. Irresponsible union activists would be given an emotive excuse - that the Government was interfering in internal union affairs - for resisting making use of the scheme to be established by the Bill.

(b) Compulsion might well encourage unofficial action. For example, at present unions often seek to gain control of unofficial strikes by making them official but this would not be at all an attractive course if the effect would be to involve them in either holding a compulsory ballot or risking sanctions if they did not. It is difficult to envisage how compulsory strike ballots could apply to unofficial strikes without giving a status to unofficial militants which the Government is anxious to deny them.

(c) Compulsion also raises difficult problems of sanctions. It is usually envisaged that the penalty on a trade union which proceeded with a strike without a supporting ballot would be the removal of immunities against actions in tort. The Green Paper on trade union immunities will cover the question of compulsory strike ballots in that context.

The Government's position on ballots has received wide support from employers, and the EEF has recently indicated that it sees very great difficulties even on ballots triggered by a minority of union members. In particular it fears that "by attaching to the concept of holding ballots to test employee opinion other concepts which are anathema to unions such as cutting back union immunities - it will become much more difficult for employers and unions to continue to enlarge the practice of holding such ballots on a voluntary basis, or for unions to take advantage of the ballots subsidies for which the Bill provides. "Trigger Ballots" also put a weapon in the hands of militant minorities who may wish to challenge a moderate union leadership.



SOME DETAILED COMMENTS ON THE ABCC MEMORANDUM

The Theory of Immunities (pages 2-3)

The memorandum draws attention to the unique nature of the tort-based immunities enjoyed by trade unions since 1906 and says that they put the unions above the law.

Comment : Immunities from action in tort (and specifically for inducing breaches of contracts of employment) were the means chosen in 1906 to provide legal protection for the collective withdrawal of labour. The alternative (followed in most other countries) is a legal right to strike. The end result is not necessarily different: it depends how far the immunities or rights are circumscribed. In the Government's view the extension of immunities in 1974 and 1976 has left dangerously wide scope for strikes at one or more removes from the dispute: hence the restrictions on secondary picketing and other types of secondary "action" in the Employment Bill. The Green Paper will consider whether the approach of defining rights rather than immunities would lead to fairer results/<sup>and</sup> a clearer statement of the law, but the question of where to draw the legal limits on industrial "action" arises under either approach.

At present the law allows picketing and other forms of industrial disruption at firms where the employer is not in dispute (as in the BSC dispute) (page 4)

Comment: The Employment Bill removes immunity from secondary picketing (ie picketing other than at an employee's own place of work) and severely restricts the immunity for other forms of secondary industrial disruption (eg the strike at the independent steel producers would have been unlawful under the Bill because BSC were closed down and the purpose of the strike could therefore not be to prevent the supply of goods to or from BSC).



Secondary disruption is usually aimed at first suppliers etc rather than taken more remotely from the dispute (page 4)

Comment: In fact, many of the most notorious recent cases of secondary disruption (eg the MacShane case) involved strikes or blacking beyond first suppliers. That is why the Court of Appeal developed its test of "remoteness" (which was overturned by the House of Lords) and why the Employment Bill outlaws all secondary action beyond first supplier etc.

Immunity should extend only to interference with contracts between the employer in dispute (A) and his first supplier etc (B) (page 5)

The extent of the immunity for secondary action is of course one of the issues to be covered in the Green Paper. However limiting the immunity to interference with contracts between A and B would in most cases have the same result as limiting the primary action alone. Effective industrial disruption (whether a strike or blacking and whether primary or secondary) will normally affect a variety of contracts. Clause 16 of the Employment Bill requires secondary action to be targetted directly on contracts between A and B, but it recognises that in many cases there will be a consequential effect on other contracts - just as there is with primary action.

Putting union funds at risk would force unions to discipline their members, if necessary, by expelling them (pages 10-11)

Comment: This assumes that the courts would hold unions responsible for the unlawful actions of their members. As experience of the 1971 Act showed, in many cases the courts would not do so. Moreover, if unions were compelled under the threat of fines to expel anyone who took unofficial action, the result could be a further weakening of unions' internal authority: as the memorandum recognises (page 11) many militants would not care what happened to union funds.



Legally enforceable procedure agreements (page 6-7)

The Donovan Commission came down against this approach. The present position is that collective agreements may be made legally binding if they contain an express provision showing that this is what the parties intended.

The 1971 Act reversed the previous presumption relating to all written collective agreements so that where an agreement did not contain a provision to the contrary it was to be presumed that the parties intended it to be legally enforceable. The majority of TUC unions, following advice from the TUC, made clear that they did not want their agreements to be legally enforceable and overwhelmingly appropriate disclaimers were included in agreements.

A similar practical difficulty arises over the ABCC proposal. To overcome it written procedure agreements would have to be made legally enforceable whatever the wishes of the parties. This would be an unprecedented step and a strong deterrent to most unions to make any new procedure agreements.

There may well be room for more legally enforceable procedure agreements and this is something employers might increasingly examine. The law presents no barrier to this.

Withdrawal of immunity for 'disruption' in breach of procedure agreement

This is clearly a matter which needs to be looked at in the context of the Green Paper. In logic, there is much to be said for the proposal. But there are some obvious and major practical difficulties with the idea.

For example:

- it might discourage unions from negotiating new procedure agreement or agreements which were very precise. This would not be in the interests of better industrial relations;



- it might cause unions to withdraw from existing agreements to preserve their TULRA immunity;
- it would give the militants an additional opportunity to undermine responsible union leadership which wanted to negotiate sensible formal procedural arrangements in industry.

#### Recognition Disputes and Trade Union Immunity

The proposal is that some statutory machinery or procedure should be evolved which would determine, or give guidance to the courts on, what was a 'reasonable' claim for recognition. Unions which pursued 'unreasonable' claims would then lose their TULRA immunity.

The ABCC are clearly sensitive to some of the difficulties which prompted the Government to repeal the recognition provisions of the Employment Protection Act. But their document does not refer to the central difficulty - viz the inability of members of ACAS to agree on criteria for determining recognition. The CIR, too, had to grapple with this problem, and successive Governments have recognised that whilst it may be possible to indicate in general terms some of the factors that should be taken into account, in practice each case needs to be looked at on its facts by an expert body.

The same central problem arises on the ABCC proposal. They comment that "it would surely be possible to devise objective tests as to the reasonableness of a claim." They suggest

- number of employees in the union
- employees' views
- need to minimise scope for demarkation disputes
- willingness of applicant union to comply with employer's conditions relating to possible procedure agreement.

Experience has shown that it is far more difficult than ABCC suppose to devise easy tests and to apply them. The ABCC's proposals presuppose an independent enquiry function which would bring the Government back to the problem which prompted it to repeal S11-16 EPA.



Other questions arise on the proposal:

- recognition enquiries inevitably take some time. What it is proposed would be the position if a dispute began before an inquiry had been completed, or even started? If the union is to be deprived of its immunity in this situation does this not give an irresponsible employer an incentive not to co-operate in, or to delay the progress of an enquiry?
  
- does the ABCC believe it would be acceptable for the sole result of an enquiry finding the union's claim to be 'reasonable' to be that the union would receive immunity to take industrial action? Would there not be a strong argument that in such a case the employer should be under some obligation to recognise?





cc: John Hoskyns  
Prime Minister

BF 2/6/80

10 DOWNING STREET

*From the Private Secretary*

28 May 1980

As you know, Mr. Tom Boardman is coming to see the Prime Minister with a delegation from the Association of British Chambers of Commerce on Wednesday 4 June at 1600 hours to present their views on trade union legislation. In addition to your Secretary of State, the Prime Minister has invited the Secretaries of State for the Environment, Health and Social Services and Education to attend.

I now enclose a letter which we have received from the ABCC indicating the main points which they intend to raise; and also a copy of a memorandum which they have sent. I would be grateful for a briefing note for the Prime Minister for the meeting.

I am sending a copy of this letter and of the ABCC letter to Don Brereton (Department of Health and Social Security), David Edmonds (Department of the Environment), Peter Shaw (Department of Education and Science). We do not have any other copies of the memorandum which the ABCC have sent; I will be getting some more copies, and will send them to copy recipients of this letter.

*Copies of Memorandum sent.*

J. P. LANKESTER

KRS

Richard Dykes, Esq.,  
Department of Employment.





The Association of  
**British Chambers of Commerce**

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PRESIDENT: TOM BOARDMAN

DIRECTOR-GENERAL: W. A. NEWSOME

JRSE/sks

Miss Caroline Stephens,  
10 Downing Street,  
Westminster,  
London SW1

27th May 1980

*Dear Miss Stephens,*

Mr. Boardman asked me to write to you concerning the membership of the ABCC delegation to meet the Prime Minister on 4th June. This delegation will consist of:

Mr. Tom Boardman, immediate Past President of the ABCC

Mr. John Madocks, Chairman of Council of the ABCC and a Past President of the Nottinghamshire Chamber

Mr. Stanley Speight, immediate Past President of Council. The Prime Minister may recall meeting him at the ABCC lunch she addressed.

Mr. John Risk, Deputy Chairman of Council, Past President of the Glasgow Chamber and Secretary of Coats Patons Ltd. Mr. Risk was one of the leading figures in the 'No' campaign in the Scottish Referendum.

I shall be accompanying the delegation from the ABCC office.

The main points we would hope to raise with the Prime Minister are:

- i) Trade Union immunities and, in particular, Section 14 immunities.



- ii) Secondary Industrial Disruption. We would also wish to discuss the use of ballots and will, I think, wish to raise one last point - about the misuse of language in that we feel that it is in principle wrong for industrial disruption to be described as industrial 'action'.

I enclose three copies of a paper we have produced for discussion among Chamber members.

*Yours sincerely,  
Joseph Egerton*

J.R.S. Egerton  
Economics Director

encs.



MR. LANKESTER

Meeting with Tom Boardman and the ABCC

X | As you know, Mr. Prior is attending this meeting on Wednesday 4 June and so is Mr. Heseltine. Mr. Jenkin's and Mr. Carlisle's offices are going to let us know. I know that Mr. Jenkin was not at all keen to come because of another rather important meeting so if you don't feel it necessary perhaps you would be kind enough to tell his office. Mr. Whitelaw is at the Derby and Sir Keith Joseph is in Mexico.

Also attached is a letter to me from Mr. Boardman's secretary which I have not acknowledged.

*es.*

*Mr Jenkin will come,  
So will Mr Carlisle.*

22 May 1980

*TL*



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TOM BOARDMAN

20th May 1980

Dear Miss Stephens,

I apologise for the delay in replying to your letter of the 9th May in which you kindly confirmed that the Prime Minister has agreed to meet a delegation of the ABCC on Wednesday 4th June at 1600 hours at 10 Downing Street and also that the Secretary of State for Employment will be attending.

I understand that they need a note of the subjects for discussion and the ABCC will be letting you have this material as soon as possible together with a list of those people coming along. It is not expected that the delegation will exceed five people.

Thank you so much for all your help.

Yours sincerely,

*Patricia A. Ive*

Patricia A. Ive  
Secretary to  
Mr Tom Boardman

Caroline Stephens  
10 Downing Street  
London S.W.1



16 May 1980

PRIME MINISTER

GREEN PAPER ON TRADE UNION IMMUNITIES

*Ann White*

ABCC Presentation, 4 June

*on 10/6*

*TL*

As arranged, Tom Boardman and associates will be making a presentation to you and colleagues from 4pm to 5pm on Wednesday, 4 June.

You will remember, when we discussed this with David, that we agreed that the main purpose of this presentation was to expose influential colleagues who were not familiar with the issues or the technicalities, to some well-prepared education and advocacy from ABCC. The aim - and it may be pretty tight in one hour flat, as we had originally thought in terms of a longer evening session - is to show some of the more doveish colleagues that there are people who know the subject as well as Jim, and are in even closer contact with the real world problems involved, and who do not necessarily agree with his thinking.

I suggest that the following should attend, as well as Jim and presumably Keith: <sup>[Hexro]</sup> Willie, <sup>[Derby]</sup> Michael Heseltine, Patrick Jenkin and possibly Mark Carlisle *← Ray's back.*

I will be in touch with Tom Boardman to discuss his programme.

*John Hoskyns*  
*Ann White*

*Does this come as a toll for the three or other colleagues - do they already know?*

JOHN HOSKYNs

*Ann White*

*Mr Prior knows, but not the others. We can justify inviting Mr Heseltine, Mr Parker and Mr Carlisle on the grounds that they are major employers, Sir Keith as the industry sponsor, and Mr Whitlam on broad political grounds.*

*TL*





cc: D/EMP.  
T.P.L.

DSG  
RM

10 DOWNING STREET

*From the Private Secretary*

9 May 1980

Further to our conversation on the telephone today I am writing to confirm that the Prime Minister is looking forward to welcoming Mr. Boardman and his delegation from the British Chambers of Commerce on Wednesday 4 June at 1600 hours at 10 Downing Street.

You will kindly be letting us have a list of specific subjects that they wish to discuss and as I mentioned to you on the telephone, the Prime Minister would be grateful if the delegation could be as small as possible, as this makes for better meetings.

With best wishes and I confirm that the Secretary of State for Employment will be attending.

Mrs. Ive.

lv





10 DOWNING STREET

Caroline

Tom Boardman's  
secretary telephoned about  
a meeting between Boardman  
& the PM about the  
Employment Bill. You were  
expecting a call from her  
about it.

Please ring her.

Mrs Ive on 235 8751

Tessa.

7.5.80



cc ADingrid

~~B/F 9-50~~  
to check for date w cs.

BK



cc DM

10 DOWNING STREET

THE PRIME MINISTER

2 May 1980

Dear Tom,

Thank you very much for your letter of 24 April.

I have noted your comments about the Employment Bill, and I would welcome the opportunity of meeting a delegation from your Association to discuss this whole issue further. Perhaps you could get in touch with Caroline Stephens in my Private Office to arrange a time and date.

*Yours  
Dorothy*

Tom Boardman, Esq.





*Caroline et. 2/5  
to see  
R*

**10 DOWNING STREET**  
**PRIME MINISTER**

This letter from Tom Boardman, apart from congratulating you on the Birmingham speech, asks if you would be prepared to receive a delegation from his Association to discuss trade union reform.

I assume you would like to receive such a delegation, and attach a draft accordingly.

I assume you will want us to invite Mr. Prior to the meeting as well?

*R*

28 April 1980



cc A.D. Ingrid



The Association of  
British Chambers of Commerce

Sovereign House, 212-224 Shaftesbury Avenue  
London WC2H 8EB

Telephone: 01-240 5831/6

PRESIDENT: TOM BOARDMAN

DIRECTOR-GENERAL: W.A. NEWSOME

24th April 1980

228/4

*Dear Prime Minister*

First may I congratulate you on your speech to the Birmingham Chamber of Industry and Commerce. It made it clear to us what government has done and is doing to produce the conditions for private enterprise and it placed upon us the responsibility, which should properly be ours, for making this work. We shall do our utmost to respond to this challenge, recognising the appalling consequences should we fail.

Yet there is one area of government policy where the membership of Chambers of Commerce considers that its views, based on wide practical experience, are being ignored by government. This is in the reform of our present legislation on industrial relations.

We welcome the changes that are being made by the Employment Bill and, in particular, the revised approach to the menace of secondary action. We are grateful for the opportunities that we have been given by the Secretary of State for Employment to make representations to him, both in writing and personally, and the care he has taken in consulting individual Chambers.

Nevertheless, it is the view of our combined membership that the Bill falls well short of what is needed to reverse the excessive power of elements within the trade union movement and to enable management to manage their businesses.

.../...



I recognise that it is now too late for any major changes to be made to the Employment Bill and that there will be an opportunity to argue for these on the Green Paper promised later this year. However, the government's rejection of amendments which would enable an aggrieved party to take action against a trade union, instead of pursuing an individual - to cite one of our main criticisms - does not encourage us to believe the present imbalance of power will be remedied.

Our members spend most of their working lives in factories and plants throughout the U.K. and have a wider experience than anyone on what is desirable and practicable to improve industrial relations and to get the higher productivity and earnings of which you spoke in Birmingham. For that reason I ask that I might bring a small delegation of them to meet you and such of your colleagues as you consider appropriate, to put forward our case for further and early legislation.

I am copying this letter to Jim Prior.

*Yours Sincerely*  
*Tom Boardman*

Tom Boardman

The Rt Hon Mrs Margaret Thatcher MP  
The Prime Minister  
10 Downing Street  
London S.W.1



