

Prime Minister

of A. Dugand,

Shall I send a
quick copy of this to
Mr Prior?
TZ
r/z

Flat 68,

Millbank Court,

24 John Iship Street,

London, SW1

Sir Leonard Neal, C.B.E., M.A., C.I.F.A.

Tel. 01-828 9528

The Rt. Hon. Mrs. Margaret Thatcher, M.P.,
10 Downing Street,
London SW1

5th February 1980

TZ has said - no
copy to Employment.

Dear Prime Minister,

The following is the gist of my report last night. I am confining myself to the remarks on the Employment Bill, and its relevance to the current situation, rather than to cover the whole spectrum of industrial relations.

My first criticism is that if the Bill is inadequate, as we believe it to be, it will be placed on top of an edifice of law that is already anomalous, ambiguous, unbalanced and unfair. This combination will produce even more legal problems than we have at the moment and bring the law into further disrepute. I was only able to confine myself to one item last night, that of:

Picketing

Because of the legal vacuum that now exists, there is effectively no restraint on the behaviour, numbers and policies of pickets. This along with the strike culture that has developed so insidiously in the last fifteen years ensures that those moderate members of the community and the workforce, who give support to pickets, do so reluctantly, because in many, many cases, they feel that 'picket law' is the only law we have now. It is thus in this situation that the right to strike becomes superior to all other rights; is not shameful, but is almost a supreme virtue, a culture in which the law is disregarded and the rights of the ordinary citizen are trampled on.

I have said that Parliament needs to restore concern and consideration for some basic principles, e.g.

1. That strikes in themselves are undesirable, and that it is better that production should not be interrupted, rather than it should, and it is better that fewer people should withdraw their labour than that more should.
2. That the individual rights of all involved in industry should be respected and this includes managers and non-strikers, as well as strikers.

More precisely, the Bill does nothing in its present form to

1. Inhibit secondary blacking and boycotts, including 'sympathetic strikes'.
2. Does not provide for a return to the state of the law before 1976, which allowed for action to be taken against those inducing breaches of commercial or other contracts.
3. The Bill currently does not provide for any amendment of the definition of a 'trade dispute' (Section 29, 1974 Act). The current definition is so wide that 'secondary picketing' could be lawfully undertaken simply by claiming another cause for dispute, or the same cause at another place.

It is for these reasons (and others, for which time does not allow) that causes us to say, with considerable emphasis, that Sections 13, 14 and 15 T.U.L.R.A. 1974 should be repealed. They grant immunities to trade unions, which under another Section (S.28 (1)) of the 1974 Act ensures that trade unions 'can be purely temporary groups of individuals'. By these and the Sections referred to, trade unions are given immunities for any civil offences, which are granted to no other subject or institution in the Land, and institutions (e.g. Trade Unions and companies) should be pursued for breaches rather than just individuals.

We believe that a number of remedies could be sought at an early stage to limit the effects of picketing to its proper level, and the following are some of the suggestions made last night:

To create an offence of 'unlawful picketing' so that picketing would be unlawful if the following conditions for all pickets were not observed.

1. A Trade Union calling the official strike should be responsible for appointing a 'picket organiser', for the purposes of the picketing currently being undertaken (this would have the effect of making the unions themselves responsible for the activities of pickets). The 'picket organiser' would have to be registered with the Police, who would issue official armbands, so that the 'picket organiser' could be recognised readily, along with others present on the picket line.
2. The numbers of pickets should be limited to six at any one access point of the premises in dispute. (In terms of the T.U.L.R.A. Section 15, it is not necessary for 5,000 pickets to assemble for the purpose of 'peacefully obtaining or communicating information or peacefully persuading any person' to support their cause).

The Rt. Hon. Mrs. Margaret Thatcher, M.P.

5th February 1980

3. The 'picket organiser' should desirably be a local trade union official, but in any case responsibly appointed by the union concerned.
4. In the event that a strike is called 'unofficially' i.e. in defiance of the trade union concerned, or alternatively that the strike is the action of non-trade union employees, the 'picket' would still only be lawful providing the conditions described above were fulfilled.
5. Threats to or obstruction of non-strikers.
6. If picketing occurs at premises other than those of the employer originally involved in the dispute.
7. Interception of non-strikers within 500 yards of any access point of the premises under dispute.

Finally, I said that we must attempt to create a situation where non-striking becomes a way of life before striking becomes the way of death. We lost more than 29m working days in dispute in 1979.

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Ballots

I had no time to mention this last night, but I believe as the Government does, that we should begin a long term process of restoring individual rights. Thus, I believe that it would be far more effective if public money was made available (to a given proportion of employees being required to strike) to oblige the trade union to ballot the entire membership concerned as to that membership's wishes. For example, there is little doubt that if members of I.S.T.C. in both public and private steel manufacture were balloted as to their wishes, would express different views to those of their leaders as to the desirability of being on strike. Providing such issues were canvassed by a secret postal ballot!

I hope this letter is not too discursive.

Yours sincerely and in haste,

Howard