

6 February 1980 (wd Pd)

PRIME MINISTER

Top copy returned to John Hoskyns

1. You could begin by mentioning key background factors: public and Party disillusionment over the failure to implement the Manifesto, most forcibly expressed by BISPA, evidence of public opinion etc. You could then ask Jim Prior to explain how he reconciles his latest proposals with the Manifesto commitment to extend legal protection to those not concerned in disputes. If, as expected, he argues the case for a step-by-step approach, he could be asked to explain the next steps and the preparations for them.
2. Leaving aside the issue of trade union immunities at this stage, you could then ask John Nott to elaborate on his proposal to make all secondary action unlawful. He should explain the simplicity of this approach, its practical limitations as far as secondary striking is concerned, and the need for any exceptions.
3. You could then ask the Solicitor General to say whether John Nott's proposal could be easily drafted. In principle, we think it is simpler and much less arbitrary in its effect than the Prior formula of continuing immunity for first customers and first suppliers. You could also ask the Solicitor General whether there is a need to alter the definition of a trade union dispute.
4. We suggest that you should only move onto the trade union immunities when it is clearly agreed that measures to prevent secondary action need further study - in order to fulfil the Manifesto commitment. Mr Prior cannot reasonably take exception to this.
5. At this stage, you could ask the Chancellor whether he still believes it is also necessary to align the immunities of trade unions themselves with those of individuals. One strong argument for doing so may be that if individuals are pursued, they may end up in prison. There should be general agreement that this is to be avoided if at all possible. The Solicitor General will no doubt raise the difficulty of defining when a trade union is responsible for the actions of its members. (It may be possible to provide the trade unions with a defence that they have used their best endeavours to prevent action.)
6. The meeting's conclusions should include:
  - (1) The publication of the consultative document will need to be delayed by two or three weeks.


- (2) It will need to contain an option which fulfils the Manifesto commitment.
- (3) A holding statement will be necessary at tomorrow's Committee on the Employment Bill.
- (4) Officials will need to work very quickly to produce a further paper for Ministers.
7. The small group of officials should look very urgently at the options which could feature in a consultative paper that fulfils the Manifesto commitment completely. It is very important that the group's terms of reference should be directly tied to the Manifesto. This group could be chaired by Cabinet Office, CPRS, or Department of Employment. (In any event, it would be "serviced" by Cabinet Office - which means they take the minutes etc.) Its composition could be:

Department of Employment  
Cabinet Office  
Treasury  
Home Office  
Industry  
Law Officers' Department  
No.10 Policy Unit.

8. The terms of reference could be:

"To consider the ways in which legal protection could be extended to those not concerned in disputes who suffer from secondary action, including blacking and blockading. Optional, depending on discussion: The group should also consider whether, in order to make the legal remedy effective and less likely to lead to imprisonment of individuals, it might be necessary to align the immunities of the trade unions themselves with those of individuals."

It should report next Friday, 15 February, in time for E Committee and Cabinet during the following week.



JOHN HOSKYNS