

13 February 1980

PRIME MINISTER

JIM PRIOR'S PROPOSALS ARE INADEQUATE

I feel that our note last night did not sufficiently stress the inadequacy of Jim Prior's proposals, whether option 3, or option 5, or the two combined in paragraph 21.

The reason why his proposals are not good enough is that they accept as right and natural the very thing we find indefensible - the concept that a first supplier or first customer should not be immune. Why should the bad luck of having a contractual relationship expose a company to potential bankruptcy against trade unionists and a trade union both immune? It really is time we considered the innocent bystander, instead of simply trying to reduce slightly the unions' armoury of weapons for imposing unconditional surrender - for that is what it amounts to.

There is a huge difference between options 1, 2, 4 on the one side, which are really trying to alter the balance (though we have reservations about option 4, on the attached sheet) and Jim Prior's options 3 and 5, which simply add a few frills to the status quo.

Options 3 and 5 do not fulfil the Manifesto commitment in its reference to "those not concerned in the dispute but who at present can suffer severely from secondary action . . .".



JOHN HOSKYNs

THIS IS LESS URGENT

13 February 1980

COMMENT ON OPTION 4 (PARAGRAPH 17(ii))

The concept of "material support" is dubious.

It can only really apply when there is a partial strike.. If the strike is total, it is difficult (though not quite impossible, I suppose) for another employer to give material support by filling contracts.

But surely the way to make a partial strike effective is for other employees at the factory to take (primary) strike action in sympathy? But that would involve sacrifice - they would have to be prepared to lose their pay, in order to help their fellow workers.

The proposal in option 4 is, in effect, that it should be possible to back up partial (ie minimum cost) strike action by cost-free secondary blacking, so that it can cripple as effectively as if it were a total strike. And it is worse than that. The immune secondary action, by preventing, for example, the arrival of some key component like an exhaust pipe\*, could mean that the rest of the work force is laid off, with lay-off pay or unemployment benefit.

It might be objected that it is not reasonable to expect other workers at the employer in dispute to lose earnings in order to help their fellow workers win their partial strike. But surely that is what sympathy strikes are for? After all, ISTC ordered without a ballot, sympathy strikes in BISPA companies!

The more one thinks about the problem, the clearer it becomes that secondary action is simply wrong, in terms of natural justice.

\* Any alternative supplier could presumably be blacked in a similar way.