



Caxton House Tothill Street London SW1H 9NA  
6400

Telephone Direct Line 01-213 \_\_\_\_\_  
Switchboard 01-213 3000

Ind. Pol  
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Ian Ellison Esq  
Private Secretary  
Department of Industry  
Ashdown House  
123 Victoria Street  
London SW1

1278

5 August 1980

Dear Ian.

CODES OF PRACTICE ON PICKETING AND THE CLOSED SHOP

Mr Prior was grateful for your Secretary of State's letter of 17 July and for his helpful comments on the two drafts and their covering papers. He was able to make a number of improvements to the drafts as a result of these and other comments from colleagues.

Some of the questions raised were similar to those of the Chancellor of the Exchequer and I have copied to you my letter to his Private Secretary. There were three further points arising from Sir Keith's letter on which Mr Prior wishes to comment.

First, in paragraph 6 of the letter there appears to be a misunderstanding of the new ballot clause in the Bill. This deals with union ballots. We do not envisage that ballots for closed shop agreements will be conducted by the union(s) concerned and such ballots should involve all employees in scope of the agreement, not just union members.

Secondly, in paragraph 8, we did not intend the word "considerable" to be given the emphasis which your letter thought it implied. Accordingly, the sentence has been amended to avoid such an inference but the word itself has been retained.

Thirdly, Mr Prior sympathises with your Secretary of State's suggestion of a "child's guide" to the law on picketing suitable for everyday use, but there would be dangers in this. The "child's guide" would lack the authority of the Code and might even detract from it. Any guidance we issue on this subject is likely to be challenged by the trade unions (or some of them) and it is absolutely essential that there should be no confusion about what is and what is not the Code of Practice. Nonetheless Mr Prior has not ruled out the possibility of making available a simpler and more "popular" explanation of the law on picketing and he will be giving consideration to this before the autumn.

I am copying this reply to the recipients of your Secretary of State's letter.

Yours faithfully  
Richard Dykes  
RICHARD DYKES  
Principal Private Secretary

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