

AUTHORITY OF GOVERNMENT

Minutes of the meeting held at 6.15 p.m.  
jn Wednesday 24th November 1976 in Lord  
Carrington's Room in the House of Lords.

Present: Lord Carrington (In the Chair)

Mr. Forman,  
Mr. Hardy,  
Lord Jellicoe,  
Mr. Peyton,  
Mr. Sumption,  
Mr. Younger.  
Mr. Douglas (Secretary)

Apologies: Mr. Gilmour, Mr. Waldegrave.

Guest: Sir Conrad Heron.

Lord Carrington welcomed Sir Conrad Heron, briefly explained the objectives of the group and invited Sir Conrad to draw some lessons from the experience of 1970-74.

Sir Conrad Heron said that the story really started with the Industrial Relations Bill. In retrospect it seemed to him that it had been a very tall order for a Government without an overwhelming majority in the House to take on such an enormous change as was involved in the comprehensive legal framework proposed by the Industrial Relations Act. It might have been wiser to have started by doing a few simple things like some provisions about the rules of trade unions and possibly about the enforceability of collective agreements rather than aim at quite such a fundamental reform. He appreciated the contrary argument about not taking too many bites at the cherry but he thought the incrementalist approach might have been more profitable. There had been weaknesses about the proposals. He did not think we had appreciated how vulnerable we would be on the registration proposals and we had probably ignored the amount of leverage unions actually have, for example when the enforceability of collective agreements was to be made a subject for negotiation. However, he also thought that the Government had not done enough to counter the TUC propoganda against the Bill and the Act. In many ways the TUC propoganda had been spurious and almost dishonest. They had managed to make the Government look inflexible when it was in fact the TUC which was being inflexible. Propoganda had managed to get across misleading impressions about what the Government would do and the Government had not managed to get across to the rank and file members of the trade unions precisely what the provisions of the Act amounted to. The strength of the TUC reaction to the provisions of the Industrial Relations Act had been influenced by the internal politics of the trade union movement and the fact that it took place at the time when left-wing elements in the movement were in the ascendent. This was not wholly independent of the actions of the Governmnet. Events like the Upper Clyde business which had seemed to be a triumph for the Left gave the impression that the Conservative Government was a Government that wanted to

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be bold and to talk bold but had not ultimately the strength to see through bold measures. However, all these were probably minor elements in the whole configuration and in Sir Conrad's view the basic mistake had been to try and do too much to put through with what historically was not a very large majority a vast blue-print covering a whole mass of highly sensitive areas in one go.

Lord Carrington asked whether the TUC would have been more co-operative if the Government had had a larger majority. Sir Conrad replied that he thought that it was inevitable that to some extent the TUC was bound to be influenced by the size of the Government's majority but he also had to admit that so long as there was the sort of axis between the Labour Party and the trade union movement that meant that the leaders of the trade union movement felt they had an interest and even in some sense a responsibility to support the political interests of the Labour Party the situation was bound to be difficult. The only solution to this problem which he could see lay in the sort of re-organisation of the lines of the political divide that were outside the terms of reference of the present meeting.

Replying to Mr. George Younger, he said that he did not believe that at the grass roots level amongst rank and file trade unionists there was a very deep seated antagonism to the provisions of the Industrial Relations Act. He had spoken to a large number of trade union groups and he had found amongst the rank and file primarily curiosity about the Bill and its provisions. However, the fact of the matter was that the leadership of the trade union movement had been captured by an articulate left-wing and within limits the rank and file trade unionists were and probably always would be willing to follow their leaders. He repeated that, as he had said before, more could have been done to inform the rank and file trade union members about the Act and this would probably have helped.

Mr. Forman asked whether this meant that Sir Conrad would favour a more effective Government information service that was capable of countering a propoganda that was, as Sir Conrad had said, spurious and even at times dishonest. Sir Conrad replied that this was a very controversial area and that both parties had always been very suspicious of official propoganda and information services taking an active line on politically controversial issues. However, the official services had for example issued a great number of leaflets during the counter-inflation policy about what in fact Stage II really meant.

Replying to a question by Mr. David Hardy about the CBI attitude, Sir Conrad said that there had certainly been a great deal of consultation with the CBI about the Bill but it was probably fair to say that the CBI were not unanimous and that certainly among certain quarters in the CBI there had been a good many doubts about the wisdom of the Bill.

In reply to a question from Lord Carrington about the practical feasibility of making collective agreements enforceable, Sir Conrad said that other countries had managed to make collective agreements enforceable. It was probably a case the trade unions could never be made liable for the full damages for breach of contract but it might well be possible to devise effective but more modest sanctions.

Mr. John Peyton, who took the chair when Lord Carrington had to leave, said that if he understood Sir Conrad correctly his main argument was that Governments should try and do only one thing at a time and not try and embark immediately on too large reforms. He would also however like to know what Sir Conrad's view was about the likelihood of the next generation of trade union leaders who were coming up being more moderate. Sir Conrad replied that he would be surprised if the move was towards a more moderate leadership. One had to remember the trade union leaders had made their way to the top by being rumbustious.

Lord Jellicoe asked whether Sir Conrad had any suggestions about improvements in the machinery of government. Sir Conrad replied that he thought there was a case for a small unit in the Government machinery to look ahead at contingencies and plan for them.

Replying to Mr. Peyton about the present state of the Department of Employment he said that he was not wholly happy about the way in which the Department's organisation had evolved. Officials now found themselves increasingly responsible not to a Minister but to joint bodies. This meant that a lot of energy was scattered in maintaining relations to periferal bodies and it was not always easy to get clear decisions.

Mr. Forman said that the conventional wisdom had always been that a Government should get through its difficult and contraversial legislation at the beginning of the Parliament but from what Sir Conrad had said he wondered whether in fact there might not be wisdom in the reverse strategy of leaving the more difficult matters until late in a Parliament when channels and habits of consultation with the trade unions had got well established. Sir Conrad replied that there were certainly attractions in such a strategy but one had to face the constraints imposed by the limited life-time of a Parliament. One could not, for example, have got through anything as comprehensive as the Industrial Relations Act and got it working in the last two years of a Parliament.

Lord Jellicoe asked whether Sir Conrad was satisfied with the flow of intelligence coming into the Departments. Sir Conrad replied that this was always a very difficult question of judgement. For example in the coal miners question in 1973-74 there had been a conflict in the National Union of Mineworkers between the moderates and the extremists. It was as difficult to predict who would come out on top from that conflict as it would to predict who would win a General Election. He thought there was very little doubt that in fact during this period the Labour Opposition had deliberately played the unions against the Governmnet for their own political ends. On the other hand although Stage III of the counter-inflation policy had been deliberately devised to make it as easy as possible for the miners to accept, he thought in practice even if there had not been complications of the energy crisis it was unlikely that the miners would have accepted the original Stage III settlement. By that time the extremists were in control of the union and they were out for blood.

Replying to a question about the political impartiality of the newspaper labour correspondents, Sir Conrad said that they were in a difficulty. They were dependent on the trade unions for their sources of information and they had to protect their good relations with those from whom they got their information. Mr. Peter Jenkins for example had once filed a story

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that was highly critical of the unions, the newspaper concerned had been forced by union pressure to drop the story and it had taken Mr. Jenkins many months to re-establish his relations with the unions.

Lord Jellicoe asked whether Sir Conrad thought that Conservative administrations suffer from the fact that unlike Labour Ministers, Conservative Ministers do not have the same social and friendly contacts with trade union leaders. Sir Conrad said that in his opinion this was not the problem. Personal contacts between Conservative Ministers and trade union leaders were often excellent. Mr. Robert Carr, as he then was, for example had a number of trade union leaders with whom he had very friendly relations and with whom he could talk quite openly. The difficulty was really much more fundamental than any question of personal contacts, it was that the trade unions believe that Labour was their Government.

Date of Next Meeting

The next meeting will be on Wednesday 26th January 1977 when Sir Campbell Adamson has agreed to attend.