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10 DOWNING STREET

From the Private Secretary

26 November, 1982

Dear Barnaby,

The Prime Minister has seen your Secretary of State's minute of 18 November to which was attached a draft Green Paper on Trade Union Democracy.

The Prime Minister is content with the theme and general presentation and with the treatment of the elections of trade union leaders and the political activities of trade unions. She feels, however, that the discussion of mandatory strike ballots should be more even-handed. At present, any future Secretary of State for Employment who wished to introduce strike ballots might well have the more negative passages of the Green Paper quoted against him, especially paragraphs 62 to 69. A more balanced treatment of the question would not prevent the Government from coming to the conclusion that strike ballots were too complex a subject to be dealt with in this particular Bill, but that they none the less remained on the agenda. Mrs. Thatcher feels that strike ballots are growing in popularity both with the public and with trade union members, and that it would be a mistake for the Government to give the impression that it was not wholeheartedly in favour of making them more widespread.

I attach, at Annex, some suggestions for detailed changes to the draft Green Paper.

I am sending copies of this letter and attachment to the Private Secretaries to other members of E Committee and to Sir Robert Armstrong.

Yours sincerely,

Michael Scholar

J. B. Shaw, Esq.,  
Department of Employment

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The following detailed changes might be worthy of consideration:

Paragraph 62. The Taft-Hartley Act is dismissed somewhat abruptly and simplistically. The bottom three lines of page 20 and the top two lines of page 30 might be redrafted to read:

"..... accepted only in 8. It is argued that this experience indicates that ballots imposed externally in the course of a dispute generally become a test of solidarity and of support for the trade union leadership and policies. On the other hand, it' could also be argued that the prospect of a mandatory ballot may influence trade union leaders to be more careful to ensure that they have the backing of their members before embarking on a strike. The view that the result of mandatory ballots, so far from bringing disputes to an end, may be to prolong them, contrasts noticeably with the experience of some recent trade union and ....."

Paragraph 64. It seems rather over-emphatic to underline all the various questions of detail which have to be resolved in prescribing how a triggered ballot should operate. And we ought surely to add a sentence at the end to the effect that:

"However, it should be noted that those trade unions which already hold strike ballots do on the whole manage to resolve these questions."

Paragraph 66. Again, we ought to refer to the experience of trade unions which already hold ballots. The first five lines of the paragraph might perhaps be redrafted on the following lines:

/"Thirdly,

"Thirdly, how would the wording of the question be put and the timing of the ballot be decided? It is often argued that if either or both were left entirely to those who wanted the strike to take place, the purpose of the legislation might be frustrated; for example, there might be a risk that the question would be slanted or linked with extraneous issues. But again, the experience of recent strike ballots does not suggest that the membership is invariably swayed by the wording of the question or by its linkage with extraneous issues to vote in accordance with the wishes of the leadership. None the less, any legislation would have to clarify the ground rules for mandatory strike ballots. Should those who trigger the ballot ....."

Paragraph 67. Again, the argument against mandatory strike ballots appears to be accepted unquestioningly and without sufficient regard for the experience of trade unions where strike ballots are already mandatory. Lines 3-7 might be redrafted thus:

"..... may be an important tactical weapon. It is said that the timing and the wording of the question can be crucial to the result. On this view, if ballots were automatic or mandatory, they might well introduce greater inflexibility into negotiations; they might tend to limit the room for manoeuvre of both employers and trade union leaders and harden attitudes. However, it has yet to be established that this is the general experience in those industries in which trade unions already do hold strike ballots. None the less, it is true that if the responsibility ....."

Paragraphs 122 and 123. These paragraphs appear to claim rather too much. It is doubtful whether these measures would "ensure that union power is exercised responsibly" or whether the

public will be persuaded that "the broad areas covered are those where changes are most urgently needed", particularly if strike ballots are, in the event, to be excluded.

Should not this concluding section be shortened to concentrate on the intrinsic merits of fostering democratic practice in trade unions?