

MR VEREKER

FILE  
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cc Mr Scholar  
Mr Mount  
Mr Wolfson  
Professor Walters  
Mr Shipley  
Mr Gow ✓

PREVENTING STRIKES IN ESSENTIAL SERVICES

I wonder whether I could inject a slightly tougher approach into the thinking.

I am not - and never really have been - overly impressed with the argument that there should be no strike agreements in essential services, even if they could be afforded. This is partly for reasons of equity and because I do not think they could be guaranteed to work effectively outside a disciplined service. We have seen a steady breakdown in workers' reluctance to take strike action in public services and I see no prospect of their acquiring a new moral fibre without stronger trades union leadership (which is crying for the moon) or a substantial period of low inflation.

If you accept this view it seems to me that we have to adopt an altogether more rigorous approach with the objective of discouraging (as distinct from eliminating) strikes; and that we need to adopt it sooner rather than later if we are to have a better chance of holding down the "vengeance is mine" syndrome when the economy picks up.

This is essentially to say:

- (i) there is no justification whatsoever for industrial action in our society except as a last resort;
- (ii) by the same token there is no justification for breaking agreed procedure;
- (iii) nor is there any justification for management and labour to operate without an agreed procedure; this meets the argument that if unions were required to observe procedure they wouldn't have one;
- (iv) any procedure must require a strike ballot of the workforce on questions to be agreed between management and unions; and
- (v) any industrial action in breach of procedure or in the absence of procedure is unprotected and renders company or union funds liable to civil suits.



It does not - or need not - follow from this that all procedures would end up at arbitration or with some third party. There is nothing to compel management to agree to cede the resolution of disputes to others; nor would unions necessarily want it since it would tend to emasculate them.

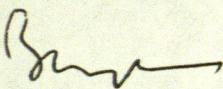
None of this interferes with the ultimate right to strike provided procedure is observed.

I do not see why we should run away from this approach simply because we (rightly) believe the trade unions and Labour Party would oppose it tooth and nail. Nothing upsets the public, apart from inconvenience through strikes, than failure to observe procedure and strikes which have not been sanctioned by those involved and/or are in defiance of their wishes. The test is not whether the TUC and Labour Party would oppose it after a General Election; it is whether this approach is fair, reasonable and practical.

I do not suggest this approach would necessarily lead to fewer strikes or that unions would immediately face court action. It would be very important not to oversell any such approach.

But I do not believe you can outlaw or buy off strikes in the undisciplined services or sectors of a democratic society; I am not attracted by any arrangement which draws a distinction in this matter between essential and other services - we ought to be in the business of universally promoting adherence to <sup>would</sup> democratic procedure; and I do not think arbitration or indexing/serve the aim of containing costs - only resourceful and resolute employers can do that.

In short, I advocate an unflinching approach to a more orderly industrial society which preserves basic freedoms once the legitimate interests of society have been properly served.



B. INGHAM

7 March 1983



MR VEREKER

cc Mr Scholar  
Mr Mount  
Mr Wolfson  
Mr Gow ✓  
Mr Ingham  
Mr Walters

(F)

PREVENTING STRIKES IN THE ESSENTIAL SERVICES

I apologise for not responding more quickly to your note of 3 March .

What you say about a requirement for an arsenal of weapons is surely correct. But have we identified the right target? Problems in essential services arise so far as the public are concerned because so many of these services are provided by monopoly suppliers, in which monopoly trade unions (many operating in closed shops) hold sway. Any initiative which does not tackle these two fundamentals - monopoly services and monopoly trade unions - will not lead to a lasting solution.

I believe that this failure is the real weakness of some of the proposals for a direct assault on the right to strike in essential services; both the (if I may use the word) unilateralist approach - the Government going it alone to ban by law such strikes - and the multilateralist - no strike agreement in exchange for guarantees about pay - are addressed to the problem of the essential services in their present shape and form. They are essentially defensive, short-term measures which do not necessarily pave the way to any radical changes in the structure of the relevant services.

Even as limited restrictive moves these approaches are, I believe, deficient. The legislative approach is I agree far from simple and uncertain. There is also the problem of definition: what is essential and to whom? One could specify named services and limit the terms of the Act to them, or one could adopt a formula which defined essential in terms of the effects industrial action would have: any worker who provided services to the community, the absence of which would endanger life, health or safety, would



be prohibited from striking. This would be more flexible and broader in scope.

The problems of enforceability and sanction would remain. No Government can overcome mass disobedience by tens of thousands of workers and there is no point in passing laws which cannot ultimately be enforced. Given its inglorious history the 1875 Conspiracy and Protection of Property/<sup>Act</sup> does not provide a useful starting point. And the questions of who is prosecuting whom, on what grounds and to what ends - whether we are talking about civil or criminal actions, against unions or individuals, leading to fines, sequestration of funds or prison - can only be answered by changes in the law as it affects trade unions generally.

The alternative direct approach, that of securing no-strike agreements between management and workers is equally unpredictable. The quid pro quo for undertaking not to strike, which unions would undoubtedly demand, would be a guarantee about wages. Linking essential service pay to the RPI or even the TPI might look tempting with inflation at or below 5%, but such a linkage offers too great a hostage to fortune.

What I would prefer is a concerted but indirect approach to remove the fundamental obstacles. Such a package would comprise the following elements:

- (a) more vigorous pursuit of finding ways of breaking up monopoly services;
- (b) further pressure on the closed shop;
- (c) legislation to make all procedural agreements enforceable in law;
- (d) further legislation on trade union immunities generally.

It seems to me important that points (c) and (d) are not limited only to essential service. There is surely no difference in principle in an agreement broken in an essential service and one broken in any other sector of industry. Natural justice demands that both areas should be treated equally.



Placing the essential service unions in a special status category would give us the worst of all worlds: it could re-inforce their own awareness of their importance and potential power, while at the same time preserving the formal privileges of other unions.

I agree with what you, and Bernard, say about deterrence and discouraging strikes in essential services. Apart from the physical steps one can take to endure such strikes the importance of the propaganda battle and the education of public opinion cannot be understated. The water strike, incidentally, may cause us to be too complacent in some respects. The strike was not prosecuted by the unions with the utmost vigour: by and large they continued to provide emergency cover and they took aggressive action (mass picketing, occupation, sabotage) only in a limited number of cases. In addition, technical and managerial staff provided some cover for the strikers, and other unions did not go out of their way to extend solidarity with damaging action.

There is no escaping that the resolution of these difficulties in public/essential services is going to be a long haul with a variety of approaches required.



11 March 1983

PETER SHIPLEY



CONFIDENTIAL

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MR VEREKER

ccs Mr Mount  
Mr Gow ✓

CPSA

Thank you for your minute of 14 March, which I have shown to the Prime Minister. She is content with the position reported in your minute and does not want further action taken.

I should just record a question in my own mind about the statement that, while CPSA members need permission to take part in political activities, that permission could not reasonably be withheld from a member of the CPSA National Executive. If that activity consisted of using the machinery of the CPSA to advise civil servants to vote in a particular way, I should have thought that it could reasonably be withheld.

But, as I have said, the Prime Minister does not want further action on this at present.

F.R.B.

15 March 1983



MR VEREKER18 March 1983

cc Mr Butler  
Mr Mount  
Mr Gow ✓

(4)

CPSA

May I add to your note of 14 March 1983 about moves by the Civil and Public Services Association to affiliate to the Labour Party.

The CPSA national executive takes as the basis for its action a motion passed at the union's conference last year; apparently (I have not seen the text), this motion approved affiliation in principle and instructed the executive to prepare for a ballot. The February 1983 meeting of the executive agreed to circulate papers on affiliation to the membership and decided to seek the authority of this year's conference for the necessary rule changes and for the establishment of a political fund. You will no doubt have seen the FT report on 15 March that the union is consulting its lawyers and examining various options.

Significantly the executive also decided to defer any ballot of members until after the next general election.

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One of/main motives behind the desire for affiliation is the aim of the present CPSA leaders to convert the union's quarter of a million membership into a left orientated bloc vote at the Labour Party Conference. Kevin Roddy, a Militant Tendency supporter and CPSA President since last May, wrote to Tribune last month to canvas for support and linked affiliation with the Militant's campaign against the expulsion of its leading members from the party.

Roddy and the half dozen other Militant supporters on the CPSA executive (aided and abetted by three Communist Party members) will however have to tread carefully; besides the legal difficulties they are likely to encounter opposition from the right in the union, led by Mrs Losinska, and the antipathy of many rank and file members, especially in the MoD.



The CPSA is an extremely volatile union and the next round of elections due in May (for President, two Vice-Presidents and 26 executive members) could result in a trimming of the left's present majority. New procedures to improve the secrecy of branch ballots have been introduced and this might help the moderates.

In the meantime the left is pressing ahead on three other fronts:

- (a) a Communist Party member and a support of Militant have been appointed to full-time official positions in the CPSA, thus raising security questions under the Radcliffe rules;
- (b) despite the defeat of last year's attempt to affiliate to CND, branches and individuals are being encouraged to support CND in ways which do not infringe the union's rules;
- (c) the left is I understand, drawing up plans for industrial action over pay, although it is open to question how far it will get with this in the present climate.



PETER SHIPLEY