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14 November 1983
Policy Unit

PRIME MINISTER

STRIKES IN ESSENTIAL SERVICES

1. Making these strikes criminal would be ineffective. The first time the law was successfully defied, the legislation would be discredited.
2. No-strike agreements are too expensive. Unions could always threaten to abandon the agreement if their wage demand was not met.
3. The only way likely to work is to remove immunities for strikes that fail to pass certain tests. The question is, what tests? The possibilities are:
 - (i) Observance of procedure agreements, and/or substantive agreements. No harm done - but not much good either. As the Cabinet Office note points out, nobody at present strikes while a substantive pay agreement is still in force; and procedure agreements are so vague that nobody bothers to disobey them. Norman Tebbit is right to advise against imposing more precise "agreements": imposition and agreement are incompatible.
 - (ii) Building in delays. This might be helpful: cf the USA. We should think of extending this principle. Perhaps, a period of cooling off before a strike and another during any strike that lasts 60 days or more?
 - (iii) Ballots. The present Bill makes union immunities depend upon the holding of a strike ballot. In the essential services, we could surely insist on a majority of two-thirds or three-quarters before any strike, if immunities were not to be forfeited.
4. Tactics. Tom King is right to be cautious. We are committed to acting against strikes in essential services; but we are not committed to a timetable. The present Bill should be allowed to pass through Parliament before we make statements about the next step.
5. Definition of "essential services". Norman only included four to start with: electricity, gas, water, NHS. Peter Gregson (para. 14) suggests adding fire (yes perhaps) and miners (no, we don't wish to revive their illusion of omnipotence).

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We recommend that Tom should be asked to work further on the immunities approach. In particular, he should be asked to consider the possibility of cooling-off periods before and during strikes, and pre-strike ballots with qualified majorities.

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