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OFFICIAL GROUP ON COAL

LESSONS OF THE MINERS' STRIKE - DEPARTMENT OF EMPLOYMENT ASPECTS

Note by the Secretaries

The following material, provided by the Department of Employment for discussion at the Group's meeting on 2 April, is attached:

- A note on the Miners' Strike and the Civil Law - Annex A and Appendix
- A note on the involvement of other unions - Annex B
- A summarised version of Annex B - Annex C
- A note on the financial resources of strikers - Annex D

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Signed J A J BUDD  
J E ROBERTS

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Cabinet Office  
27 March 1985

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## THE MINERS' STRIKE AND THE CIVIL LAW

In the course of the strike some 26 cases were brought against the NUM, its Areas and other unions under the civil law. Relief was granted in 23 of those cases (one has still to be heard) and in total at least 47 injunctions were granted. The NUM itself was fined £200,000 for contempt, its funds were sequestrated and ultimately a receiver was appointed to run its financial affairs. The South Wales Area was fined £50,000 and its funds were sequestrated.

2. Some 7 cases are known to have been brought by employers (and writs have been issued in an 8th case) and 7 injunctions were granted as a result of the Employment Acts 1980 and 1982. In addition a total of 18 cases are known to have been brought by members of the NUM against their own union nationally or their own Areas under the common law (without the need to rely on statute law). Fourteen of them were brought under the rules of the NUM itself (ie actions in contract) and resulted, inter alia, in the strike being found to have been called contrary to the rules of the union. A table of all known cases is appended to this note.

The Effect on the Strike

3. The number of legal actions in the course of a single strike is unprecedented and no union has been the subject of so many actions brought by its own members. In large <sup>part</sup> this was the result of the length of the strike and of the deep divisions within the NUM: otherwise it would have been difficult if not impossible for working miners to have developed the organisation and resources necessary to launch a series of successful actions. But, whatever the special factors which made this legal activity possible, the consequences are evident:-

- (i) the sheer volume of successful legal actions increased the pressures on the NUM leadership at an important stage in the dispute (viz October-November 1984);

(ii) the fact that the strike was found by the courts to have been called in violation of NUM's own rules undoubtedly strengthened the hand of the working miners (and the Nottinghamshire Areas in particular) and did nothing to improve the prospects of supporting action by other unions;

(iii) the sequestration of the NUM's funds (and of the South Wales Area's funds) contributed to the steady but marked reduction in the money paid to NUM pickets and hence to the diminished levels of picketing (and particularly picketing away from the pickets' own area) in the latter stages of the strike;

(iv) the preponderance of civil actions brought against the NUM by their own members was a severe embarrassment to the NUM leadership and deprived them of the rallying cry that the union and its funds were being endangered by employers using Government legislation.

4. Moreover although the NUM nationally refused to comply with the judgement of the court in the Taylor and Foulstone case (for which a £200,000 fine and sequestration of the union's assets were imposed) orders of the court were widely observed by the NUM Areas. The attached table indicates the extent of compliance where known.

5. The effectiveness of sequestration as a penalty for persistent defiance of court orders has also been confirmed. The NUM took steps to move virtually all its funds abroad at the outset of the strike and this presented the sequestrators and subsequently the receiver with much greater problems than had been encountered in other trade union sequestration cases. However, sequestration effectively denied - and continues to deny - the union the use of those funds for any purpose and the cost of the receiver's efforts to gain control of those funds will be borne by the NUM.

6. The strike also saw a significant change in the NUM's attitude to the law and to legal proceedings. Until their funds were sequestered the national NUM refused to appear or be represented

Thereafter it was always represented in court, and the leaders (including Mr Scargill) appeared in person on 1 December to appeal against the appointment of a receiver. At a later stage the NUM was even prepared to use the law itself. In late December they applied, unsuccessfully, for an injunction to restrain the Nottinghamshire Area from deleting its rule that, where there was a conflict between national and area rules, national rules should prevail.

7. Many of the injunctions granted during the strike will remain in force so long as working miners fear disciplinary action by their union. The organisations which grew up among working miners are likely to continue to use the law, or be ready to use the law, as they did during the strike (eg the reported attempt to require the NUM to postpone pending elections to the executive until Part I of the 1984 Act comes into force on 1 October this year). Additionally, some actions for damages can be expected to come before the courts in the coming months. Perhaps most significantly of all, both the sequestration of the NUM's national funds and the appointment of the receiver are continuing, despite the ending of strike. There is no reason to believe that the sequestration will end without the NUM's purging its contempt by apologising to the Court and undertaking to obey the orders of the court not to take disciplinary action against miners who worked during the strike. (The sequestration of the South Wales Area's funds has been ended without an apology to the Court but the judge made clear that the circumstances - notably the Area's observance of the court's orders since sequestration was imposed - were special. They do not apply in the case of the NUM nationally which has continued to defy the orders of the court).

#### Longer term consequences

##### (a) Statute Law

8. The remedies available under the 1980 and 1982 Acts\* - particularly the ability to sue a trade union for organising

\* Part II of the 1984 Act (strike ballots) which applies to industrial action initiated after 26 September 1984 did not come into operation until the strike was already 6 months old.

secondary picketing - were used on a number of occasions during the strike. At the outset, in March 1984, the NCB secured an injunction against the Yorkshire Area for organising unlawful secondary picketing in Nottinghamshire but did not seek to enforce this injunction. No injunctions were sought subsequently by the NCB or at any stage by the BSC (although the BSC Chairman said he would not hesitate to use the law if one of his plants was threatened with loss of coal supplies) or by other nationalised industries eg British Rail and the Electricity Council. This was not because they were without a cause of action or because there was any doubt about NUM liability. Employers who contemplated using the civil law did not decide against doing so because they were uncertain of obtaining a remedy. The considerations which led them not to take action were tactical not legal. In the case of the NCB the overriding aim was not to give the NUM leadership a new argument which could have been used to influence working miners to join the strike. BSC and the other nationalised industries were concerned not to take action which might disturb the continued co-operation they had established with their own employees and, in the case of British Rail, which might extend existing industrial action.

9. However, a number of employers in the private sector sued the NUM using the provisions of the 1980 and 1982 Acts. The sequestration of the funds of the South Wales Area was a direct result of one such action which related to secondary picketing. Furthermore, the threat of legal action undoubtedly helped some employers (eg Coalite) to avoid being subject to damaging secondary action.

(b) The Common Law

10. The 18 civil actions against the NUM by its own members were brought on a variety of grounds (one was a libel case) but they have been mainly of two types:-

- (i) actions in contract claiming that the union's rules - eg in relation to the calling of strike action - had been broken;

- (ii) actions claiming that the picketing of working miners has been unlawfully intimidatory.

Some of these actions have been of considerable significance for the development of the law.

11. The actions based on the union rule book have confirmed:-
- (i) that a union's rules are a contract between the union and its members: if the union acts in violation of the rules the members have a remedy in the courts (an injunction and/or damages);
- (ii) that, if a strike has been organised in violation of union rules, the courts can order the union not to call the strike "official" and not to threaten members with disciplinary action for crossing picket lines and working normally.
12. It has also been established that the trustees who hold a union's property\* can be removed from office if they can be shown to be "not fit and proper" persons to have control of the union's funds and that a receiver nominated by the union members who have brought the action can be appointed by the court in their place. The appointment of a receiver (who is still managing the NUM's "income, assets, property and effects") is without precedent in trade union history.

13. Cases brought by NUM members have also resulted in important decisions for the civil law on picketing. The law has always expected employees to resist the inducements of pickets (just as it expects them to resist inducements to strike). If they do not they are in breach of their contracts of employment and liable to loss of earnings and even dismissal. The civil law remedies available to picketed employees - except in cases of personal injury or physical obstruction - have been uncertain, in contrast with the remedies available to employers which, for example in

\* Because unions are not corporate bodies they cannot hold property themselves but are statutorily required to appoint trustees to do so: generally, but not always, these are senior officials of the union.

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the case of secondary picketing, are clear and effective even where the picketing is entirely peaceful.

14. However, cases brought in February 1985 by working miners in South Wales and Yorkshire resulted in High Court decisions (not taken to appeal) which may have far reaching implications. In particular the court found that:-

(i) there is a tort of "unreasonable harrassment" (said to be a species of "private nuisance") which gives an individual a cause of action if he is subjected to threats and abuse from mass pickets as he uses the highway to go to work;

(ii) that there is no distinction in law between pickets and demonstrators, even if they are physically separated and the latter are not stationed at the entrance to the picketed place of work;

(iii) that the "right to picket" is no more than the right everyone has to do what he wishes provided that he does not infringe the rights of others: in other words that it carries no special immunity for committing civil wrongs (other than inducing breach of contract at the picket's place of work in a trade dispute) or criminal acts;

(iv) that the trade union and other organisers of pickets have a legal duty to ensure that unlawful acts (such as violence and intimidation) are not committed by the pickets.

15. In framing the injunctions in these cases the court specifically and explicitly took account of the guidance on the number of pickets in the "Code of Practice on Picketing" (issued under the 1980 Act) and ordered the Areas concerned to ensure that there were no more than 6 pickets at the entrance to any of the collieries covered by the injunction.

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CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
1 LANCASHIRE AREA (Agecroft)	23 MAY	Injunction prohibiting 5 year suspensions from Area union for crossing picket lines and withholding union benefits from non-strikers.	
2 NOTTINGHAMSHIRE AREA (Pye Hill and Sherwood)	25 MAY	Injunctions preventing Area union from instructing miners to join the strike and from threatening disciplinary action against those working normally	
3 DERBYSHIRE AREA (Shirebrook and Williamthorpe)	4 JUNE	Injunction ordering Area union not to discipline working miners.	Union gave undertakings not to discipline miners for crossing picket lines.
Taylor, Roberts and Phillips	27 SEPTEMBER	Judge declared strike in Area unlawful and granted permanent injunction against disciplinary action.	
	9 NOVEMBER	Permanent injunction against the further use of union funds to support action previously declared unlawful and prohibiting the removal of accounting records until inspected by plaintiffs.	Three senior officials gave an undertaking to the Court not to use Area funds to support the strike and to provide accounting records and details of all future transactions to the plaintiffs' lawyers.
4 NORTH WALES (Point of Ayr) McKay	13 JUNE	Injunction ordering Area union not to discipline working miners, not to use branch funds for the strike or to describe the strike as official.	Pickets were withdrawn, as a result of the injunctions, enabling 480 of the 620 miners to return to work.
5 NOTTINGHAMSHIRE 17 members of Area Council	9 JULY	Injunction requiring Area union to hold an immediate Area Council meeting to consider how votes should be cast at special delegate conference on 11 July on proposed new disciplinary rule.	Area Council meeting held: delegates voted against the rule change.
	10 JULY	Injunction prohibiting all delegates at the special delegate conference from discussing the proposed disciplinary rule.	Although the new rule was passed at the delegate conference, the 10 July injunction had the effect of making action under it unlawful. This led the union to pass a further resolution endorsing the new rule at a special delegate conference held in August.
6 MIDLANDS (Lea Hall and Rugeley)	31 JULY	Injunction prohibiting Area union from treating the strike in the Area as official.	

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
7 DURHAM (Crookhall private coal company)	JULY	Injunction granted to nine miners banning their expulsion from the Area union for continuing to work.	
	11 JANUARY	Following expulsion from union, further injunction granted at an ex-parte hearing.	
	21 FEBRUARY	The Area union applied for a discharge of the injunction on the grounds that there was a lawful strike in the Durham area and that the miners had crossed picket lines in breach of union rules.	Area union responded by seeking to have the injunction discharged.
	5 MARCH	Mr Justice Walton directed that the injunction should remain in force until a full trial was held (before the end of July).	
8 DURHAM (Easington Wilkinson)	3 SEPTEMBER	Injunction restraining Area union from taking disciplinary measures against Wilkinson or from intimidating him. Union also ordered to carry out peaceful picketing only and not to beset his place of work or home.	Union stated publicly that it would comply with injunction but that peaceful picketing would continue. Picketing numbers reduced to around 6 on most days (though with a reversion to mass picketing on some occasions).
	12 OCTOBER	Union leaders ordered to take steps "within their power" to prevent other people from organising or causing any intimidation towards Wilkinson or unlawful picketing or besetting his place of work or home.	
9 SCOTLAND (Bilston) Fettes, Pupkis and McConnell	6 NOVEMBER	Judge refused to grant interim injunction requiring Area union to withdraw strike instructions until national ballot held.	
10 NATIONAL UNION (Manton) Taylor and Foulstone	25 SEPTEMBER	Injunction ordering National union not to describe the strike as official and giving temporary protection against disciplinary action until full trial.	Refusal to comply with orders of the court but was represented in court in proceedings following sequestration. Assets remain sequestrated.
	10 OCTOBER	Fine of £200,000 imposed on the national NUM and £1,000 on Mr Scargill for contempt.	
	25 OCTOBER	Writ of sequestration issued and Price Waterhouse appointed as sequestrators.	
11 NATIONAL UNION (Group of 16 working miners)	9 NOVEMBER	The sequestrators reported to the court that £2.7m had been frozen on the orders of a Dublin Judge.	
	28 NOVEMBER	The sequestrators reported to court that they had traced and temporarily frozen £4,630,000 in Luxembourg; and £503,000 in Switzerland.	
	31 JANUARY	Receiver gained possession of £4.9m from Nobis Finanz.	
	12 FEBRUARY	Judgment was reserved in the High Court in Dublin on who was entitled to the £2.7 million deposited in a Dublin bank.	
12 NATIONAL UNION (Group of 16 working miners) Clarke and others	16 NOVEMBER	Preliminary hearing of action to make NUM executive members personally liable for £200,000 fine.	First occasion on which the National Union acknowledged the courts by entering a defence.
	17 JANUARY	The case was adjourned with the agreement of the plaintiffs until after the election of the national executive committee.	Four moderate members of the Executive swore affidavits pledging to observe the law and uphold court orders.
13 COKEHEN'S GROUP (Barnsley) Watson	30 NOVEMBER	A temporary order appointing a receiver was granted to the working miners pending a full trial.	The NUM failed to reverse the initial order on appeal because it refused to give an undertaking that it would abide by past and future orders of the court. On 3 December a Special Delegate Conference voted to reject payment of the fine, to oppose purging its contempt, and to ban co-operation with the sequestrators or receiver.
	7 DECEMBER	Permanent orders granted removing Scargill, McGahey and Heathfield as trustees and appointing a receiver to hold the union's property.	
14 POWER GROUP (Silverdale and Woolstanton) Carr and Hayes	4 DECEMBER	Barnsley Section ordered to allow Watson to inspect its minute books.	
	12 DECEMBER	The Power Group agreed to hold new election for Group's NEC representative to settle the action.	
	14 DECEMBER	Mr Justice Scott informed that final details had been drawn up for the settlement of the action, and that fresh elections would be held before January 15.	Union agreed to hold fresh elections

15 YORKSHIRE (Hanton Colliery) Taylor and Foulstone	13 DECEMBER	Proceedings to displace the trustees of the Area union and replace them with a receiver were adjourned.	
16 NATIONAL UNION Lynk and Prendergast	4 FEBRUARY	Libel writ issued against the national NUM leadership over a pamphlet issued the previous week throughout the coal field.	
17 SOUTH WALES (Cynheidre) Thomas	11 FEBRUARY	Injunctions granted limiting the number of pickets at 5 pits to 6 only and restraining the union from organising picketing other than to peacefully persuade.	Area executive decided to comply with the injunctions and not to appeal.
18 YORKSHIRE Group of working miners led by Mr W Sharp	12 FEBRUARY	Injunctions granted limiting the the number of pickets at 11 pits to 6 and restraining the union from organising picketing other than to peacefully persuade.	Area executive decided to comply with injunctions and not to appeal.

1 NCB v NUM (Yorkshire)	14 MARCH	Injunction ordering Yorkshire Area to withdraw instructions for secondary picketing and to refrain from financing or otherwise encouraging unlawful picketing.	None.
	19 MARCH	NCB granted an indefinite adjournment of its application for contempt proceedings.	
2 WIGHT CONTRACTORS v NUM (S. Wales)		Injunction ordering S. Wales Area to withdraw pickets from its site	
3 R & G READ v NUM (S. Wales)	17 APRIL	Injunction restraining union from instructing or encouraging members to stop, approach or interfere with the free passage of the plaintiffs' vehicles or to abuse or threaten the drivers.	
	20 JULY	The S. Wales Area fined £50,000 for contempt and their funds sequestrated for failure to pay the pay.	Picketing reduced to token proportions. In discharging the sequestration order the judge noted that the union had obeyed the orders of the court.
	12 MARCH	Sequestration order discharged	
4 R & G READ v TGMU	2 NOVEMBER	Injunction ordering union not to "encourage or instruct" its members to refuse to unload or weigh the companies' vehicles (following "sympathetic" blacking action at Cardiff docks).	Subsequent press reports indicated that the injunction was to be withdrawn following an undisclosed peace formula worked out between the two sides
5 H.J. BANKS & CO v NUM (Durham)	26 OCTOBER	Interim injunction ordering union to withdraw instructions to picket H J Banks' open-cast mine.	
	12 NOVEMBER	NUM and its Durham area ordered to call off pickets outside 5 open cast mining sites. Both unions restrained until full trial from procuring by the attendance of pickets at the sites, breaches of commercial contracts between the companies and their customers for the supply of coal.	



CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
6 F T EVERARD & SONS v National Union of Seamen	14 JANUARY	Injunction granted for seven days restraining NUS from inducing or attempting to induce crews of ships belonging to the plaintiff to break their contracts of employment.	Members of the crews had refused to sail in line with official union instructions not to handle coal during the strike but following the granting of the injunction the crew voted to sail.
7 STEPHENSON CLARKE SHIPPING V National Union of Seamen	18 FEBRUARY	Injunction granted ordering the NUS to withdraw any instruction or advice given to the crew of the Fulborough not to sail or carry out their duties.	The General Secretary of the NUS withdrew his instruction to continue the action. The seamen initially voted to continue the action on an unofficial basis but the blockade was lifted on 28 February.
8 R & G READ V NUM (S.WALES)	5 MARCH	Writs issued against Area union seeking injunctions banning union members from blacking companies' lorries in retaliation for their activities during the strike.	

## THE INVOLVEMENT OF OTHER UNIONS

(1) NUM AND OTHER UNIONS IN THE COAL INDUSTRY

1. The British Association of Colliery Managers played little part in the dispute. They were anxious about the contraction of the industry and the treatment of some senior staff in Hobart House. On occasions they thought they could facilitate contact between the NCB and the other unions. In the field their members did what was required of them.
  
2. The National Association of Colliery Overmen Deputies and Shotfirers (NACODS) achieved unprecedented prominence in this dispute. They accepted the 5.2% pay offer at the outset of the strike but throughout opposed the run down of the industry. In an early ballot (April 1) the majority for striking over closures fell short of the 2/3 its rules required - but in September on a high poll 82% voted to strike against closures, the Boards attitude to the implementation of conciliation procedures and changes in the arrangements for paying Deputies who refused to cross NUM picket lines. A national strike was threatened from 25 October. This would have stopped production in all pits. The balance between real support for striking and tactical voting was never put to the test. Agreement involving an independent element in the review procedure was reached. Nevertheless the vote, and the reaction of the NCB and Government to it, gave the NACODS leaders a feeling of considerable power which they displayed at every opportunity to try to secure an end to the dispute.

The fact remains though at three crucial stages and sometimes in the face of considerable pressure NACODS accepted deals which the NUM rejected (the pay offer in April, the revised procedures in October and the NCB's February formula amended in consultation with the TUC). In the field their members continued to work in the areas where miners worked and the only real difficulties occurred in the first few weeks after large numbers returned to particular pits in previously striking areas (eg Ellington and Shireoaks).

(2) THE NUM AND OTHER UNIONS

3. Initially the NUM thought they could win the dispute on their own but that they would win it more quickly if they had the active support of other unions. Seeking this support they turned to their partners in the traditional Triple Alliance (rail and steel) plus those associated unions with left wing leaders (TGWU and NUS). The major transport unions, NUR, ASLEF, TGWU and NUS, agreed in the first few weeks to ban all movement of coal and coke. This formal ban stayed throughout the strike and at various stages was reinforced (recommendations became instructions and single day sympathetic strikes were called in various parts of the country). Every day BR were sending home over 100 NUR/ASLEF members throughout the strike because they would not handle or signal coal trains.

4. In spite of this, coal continued to be moved by road and rail particularly, but by no means exclusively, from the Midlands coalfields. Many of the lorry drivers were TGWU

members. As time went on non-NUS crews were moving coal from Cumbria to South Coast power stations and eventually NUS crews moved similar cargoes and some from the North East to the Thames. Coal movements grew from 600 thousand tonnes a week in May to 875 in October and 1m in February.

5. The NUM also sought specific assistance from unions in the steel and electricity supply industries. Support for the NUM by some the steel unions (eg TGWU) was always ambivalent, and by the dominant unions in power stations (EETPU and EMA) it was non-existent. In both industries the effect on output was minimal. CEGB met all demands on it and steel output was higher than in the previous year.

6. Initially the ISTC nationally seemed to be associated with the transport unions' appeals to members not to cross miners' picket lines, but fearing for the future of their plants local steel union leaders agreed to receive much more coal than was needed merely to protect furnaces and on 5 April ISTC instructed members to keep working. The NUM and rail unions responded to this lack of support by refusing any coal, coke and later ore, supplies to steel works and by endeavouring to blockade Llanwern and Ravenscraig. Rail deliveries were replaced by road convoys and steel workers at all five major plants used coal, coke and ore from any source, however delivered. This pattern, was well established by August and remained unaltered by the TUC resolution (see below).

7. There were essentially five unions with industrial muscle in the power stations - EMA, EETPU, GMBATU, AUEW and TGWU.

8. From the outset the EMA and the EETPU advised their members to cross NUM picket lines and to use whatever fuels were available. These two were the main unions not supporting the resolution supporting the miners passed by the TUC in September. In October 84% of EETPU members in power stations voted against taking any action in support of the miners.

9. In general power station workers crossed picket lines and did what was asked of them but the degree of co-operation of power station workers in the coal fired stations in the main strike areas of Scotland, Yorkshire, the North East and Wales never needed to be put to the test. Only at the very end of the strike were tentative moves being made to see if these stations would receive new supplies of coal and some did.

10. Following the TUC Congress in September the TGWU and GMBTU issued specific instructions to members in power stations not to handle or facilitate use of new coal or additional oil. These moves which had no parallel in the AUEW had no impact on those stations which had been receiving coal or oil throughout the strike and were insufficient to prevent new coal eventually being delivered to and used at Didcot, (which apart from Fiddlers Ferry on Merseyside was the only large power station outside the coal mining areas to show support for the strike).

11. In July and again in August and September the TGWU docks and waterways group mounted strikes on issues linked to the miners strike. The first started on July 9th over the use of non-registered labour at Immingham to load iron ore onto lorries which were being used because of the rail unions blockade of steel works. The strike call was obeyed in all scheme ports but very patchy in non scheme ports. A negotiated settlement, with no real concessions from the employers, was reached on 20th July after dockers at Felixstowe and particularly Dover, who had been supporting it for about a week, let it be known that they could not continue to do so. The second started on 24th August and related to the unloading at Hunterston of coal for Ravenscraig. The response was virtually complete in Scotland but at no stage did the ports affected account for half of a normal years' trade and by the end of least 75% of seaborne non-fuel trade was getting through. For the first time ever substantial numbers (between a quarter and a third) of registered dock workers defied a strike call and crossed picket lines. The strike ended on 18 September again with no gains for the union.

12. The calling of both strikes served to boost miners morale at the outset but their ending before any widespread industrial disruption and because of their increasing ineffectiveness were a greater setback for both miners and dockers.

13. The main reasons for the general lack of support from other unions seem to have been (a) even from the beginning about 30% of miners were not on strike, (b) there was considerable doubt about the case for a coal strike without a ballot, (c) the NUM leadership were turning down offers which were better than those to which most other industrial workers could aspire, (d) generally speaking members were not prepared to put their own jobs at risk in support of some workers in another industry.

14. The leadership of the supporting unions were better able to deliver financial assistance - particularly when the NUM lost control of its funds to the courts.

15. This financial support took a variety of forms - interest free loans, lump sum donations (from union funds and from collections against members), regular monthly/weekly donations. Some of this support went directly to the NUM at either national or (particularly after sequestration of the NUM funds in October 1984) at area level; some (at least £269,000) was channelled through the TUC Solidarity Fund. It is likely that the NUM was kept afloat by the interest-free loans from other unions. TGWU have recently revealed that they provided loans amounting to "several million pounds" and it is known that GMBATU provided at least one loan of £500,000. SOGAT '82 were prominent in providing support, frequently at local level and were active in co-ordinating contributions from other unions.

16. This solidarity did not always extend to the rank and file membership. Both NALGO and CPSA had to curtail donations from union funds because of membership objections. The NUS had to drop a 50p a week levy after one of its members successfully sought an injunction in the High Court to have the levy declared to be against the union's rules.

17. With the exception of the French CGT, unions in Western European countries expressed little support for the strike itself or showed much liking for the NUM leaders and their actions. Very little actual financial support went to the union and physical support was also limited. There were a couple of minor incidents at Ghent involving the blacking of coal ships and an incident at Calais when CGT members unloaded the contents of a coal train on to the tracks, but little more. The CGT provided the most active support - moral, financial and physical - in the main because of its political linkages with the NUM. Eastern European countries (USSR, Bulgaria, Poland, Czechoslovakia) expressed strong solidarity and provided a certain amount of monetary support (eg £500,000 from Ukrainian miners).

18. There was little interest outside Europe. Miners in South Africa, USA and Australia expressed solidarity and provided some limited financial support. The strike did produce support from some unlikely quarters. In addition to the controversial "Libyan connection" where extensive financial support was promised after a visit to Libya by an NUM official, the "trade union" movement in Afghanistan

expressed solidarity and gave the Yorkshire NUM a contribution of £10,000 and 10 tons of raisins.

(3) NUM AND THE TUC

19. Mr Scargill had no time for the TUC. When in September 1983 the NUM lost one of its two seats on the General Council he readily gave up his seat and left Mr McGahey on the Council. From the outset the NUM leadership made clear they wanted the TUC to stay out of the strike and although there were exploratory talks at the end of July it was on 21 August that the TUC General Council first discussed the strike. By then Congress was less than two weeks away and there was talk of the miners 'hijacking' Congress - full of active and often lay members - behind resolutions which would embarrass both the TUC and the Labour Party. Mr Scargill still tried to distance himself from the General Council and its representatives but eventually (under pressure from his own left wing advisers) he joined with representatives of the General Council in discussions which lead to a composite motion. Congress affirmed support for NUM objectives, for a financial campaign to support the NUM and striking miners for banning coal or additional oil crossing picket lines and for not using such materials or oil substituted for coal.

20. The motion recognised that in practice the action would require the agreement of the unions directly concerned. Two such unions the EMA and EEPTU had opposed the motion. The others who had been clear in promising physical support (eg

TGWU, GMBTU, AUEW) thereafter spent several weeks variously consulting or persuading their members in power stations to adhere to the terms of the motion. Apart from brief flurries at Thurrock and Didcot their endeavours met with virtually no response from their members in power stations. As one General Secretary came to explain "The least we could do was to have a lot of meetings". This was the sole outcome.

21. The motion also served to draw the TUC itself further into the dispute. Generally speaking its officers were unhappy about the way the strike was being conducted. The violence and intransigence were seen as harming the image of trade unions generally. But there was little they could do either to persuade members of other unions to help the NUM or to move the NUM itself. They therefore had to "look busy" and to seek any opportunity to end the strike. The TUC itself never felt able to condemn the violence of the picketing publicly, although the General Secretary personally did so.

22. They first set up, then expanded and then increased the frequency of meetings of a monitoring committee. In an effort to bring about an end to the strike they leant very heavily on NACODS not to accept the deal which led to the withdrawal of their strike call in October.

23. In December they had private meetings with Ministers exploring formulae of their own based on a return to work while a new Plan for Coal was negotiated. Their approach

seemed to be that once the miners were back at work closures would be less of a problem of policy and more one of practical possibilities with the balance tilted heavily in the NCB's favour. They were though unable to deliver the NUM on this. This served as a rehearsal for the problems which followed the meetings between the TUC's monitoring committee, the Prime Minister and other Ministers in February. The TUC succeeded in changing the NCB's 'final offer' but were unable to sell it to the NUM.

## THE INVOLVEMENT OF OTHER UNIONS

## SUMMARY

(a) At the outset, the leadership of the NUM had good reason to believe that the strike would command effective support from other unions, whilst at the same time being confident that the strike would succeed even without such support. They hardly doubted that the proven, deep and historical loyalties within their own ranks could be established and then maintained. They had emotive cause, best expressed as the necessary defence of mining communities, and the avowed purpose of being at the forefront of a fight-back against the Government policies which they held to be destructive of jobs. They looked to give substance to the common rhetoric of most trade unions. They could point to a record of success in that coal strikes (and even their threat) had previously deflected the Government's purpose (in 1972, 1974 and 1981).

(b) The refusal to hold a ballot, the early revelation of miners picketing miners, the deep split in their own membership which this did not avoid and the reaction to violent picketing all reduced the likelihood of effective support from other unions, as did a widespread dislike of the avowed political purposes of the strike.

(c) Additionally, Scargill had done little to cultivate relationships with other unions and, more particularly, with the TUC. He had earlier not thought it worthwhile to occupy the NUM's seat on the General Council. Since the General Strike, the NUM has distrusted the TUC and judged it largely irrelevant. Scargill himself was also determined that his control of the strike should not in any way be shaded by TUC involvement, particularly against the background of the action the TUC took in the Shah/NGA dispute. For the first six months of the strike the NUM did not even seek from the TUC the readily available assurance that union members would be advised not to cross NUM picket lines.

(d) During this period, the NUM sought the assistance of some other unions directly, particularly the NUR, ASLEF, NUS and the TGWU. The leaderships of these unions were ready to pledge support and to go some way in seeking to deliver it. But from early in April 1984 the ISTC was instructing its members in the steel industry to work normally and to handle all coal and coke delivered to plants, despite its membership of the Triple Alliance. Steelworkers' experience of job loss and continuing fears about the level of employment in the industry made them less than ready allies. The EMA and EETPU made clear from the outset that supportive action could not be expected from the electricity supply industry, on the argument that so vulnerable an industry could otherwise always be prayed in aid in major disputes. No other union in these two industries (eg TGWU, GMBATU) tried at all hard or was

successful in persuading their members to take industrial action.

(e) The NUS's determination that their members should not man ships carrying coal, or oil to power stations, proved very largely irrelevant. The coastal coal trade ended, except from Cumbria, as stocks at striking pits were frozen. There was free movement for imported coal. The TGWU was even less effective in seeking to halt road movements though it tried. The two national dock strikes were not well supported and the second collapsed. The ASLEF and the NUR managed to persuade a limited number of their members not to move coal by rail for the duration of the strike.

(f) By early September, the leadership of the NUM still believed the strike could be won, but saw the opportunities the TUC Congress and later the Labour Party Conference could provide for fostering support and, equally important, maintaining the morale of the strikers. At Congress they threatened to take their appeal to the delegates over the heads of the TUC Council whilst at the same time not readily dispelling an observable threat of a mass lobby of miners which might prove disruptive. This was of influence on the TUC leadership as was the view of some General Secretaries that formal support of the strike offered the possibility of influence on the way it was being conducted and how it might be brought to an end.

(g) To the dismay of many trade union leaders the General Council's resolution of support (which had first to be agreed



with the NUM) was overwhelming adopted, albeit after clear opposition from the EETPU and the EMA and with abstentions. The General Secretary of the TUC was in no doubt that the pledge of physical support could not be met.

(h) He was proved right. In the following weeks there were a number of well-publicised meetings between the NUM and other unions with the avowed purpose of organising physical support. Nothing was achieved. The railway unions were unable to persuade their members to increase their support. The TGWU was wholly unsuccessful in interfering with road movements of coal. The docks worked normally. EETPU organised a ballot of its members in the electricity supply industry to show that the great majority were not prepared to take industrial action. The EMA made it clear that it was not even to ask its members about industrial action. The TGWU and GMBATU consulted their members at power stations, but only at a handful was there decisions not to handle coal delivered by road and these were stations at which no attempt had or was being made to make such deliveries. In the steel industry normal working continued.

(i) The TUC was left to encourage financial support, particularly for miners' families, whilst being the more anxious to see the strike end.

(j) NACODS' decision to strike from 16 October was in the main an attempt to force an initiative for a resumption of

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negotiations between the NCB and the NUM. NACODS shared the NUM's concerns about pit closures and were demanding guarantees that their members would continue to be paid in all areas if they judged it would be unsafe to cross NUM picket lines, but above all else wanted the strike to end. Its demand for a revised Colliery Review Procedure was rehearsed with the TUC who sought to build on this for a settlement with the NUM. Once agreement had been reached between NACODS and the NCB, the TUC - having established not the slightest degree of influence over the NUM, which instantly had rejected the settlement - endeavoured to persuade NACODS to maintain its threat so that further negotiations between the NCB and the NUM could be conducted under its pressure. The leadership of NACODS resisted the strong and personal influences the TUC sought to bring to bear.

(k) The TUC was left to explore itself the possibilities of a settlement with an increasing appreciation of the difficulties. From this point on, a majority of the TUC's 7-man team formed to monitor developments in the dispute was clearly wholly unsympathetic to the way the strike continued to be prosecuted by the NUM leadership and ready - wholly cynically - to contemplate an agreement which could leave the NUM (and more particularly its members) claiming achievement, whilst opening the way to the closure of pits following a return to work. But at no point in the strike did the TUC manage to influence the NUM leadership,

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although their involvement in the final stages following the meeting with the Prime Minister undoubtedly was of influence more generally in that they accepted and made clear to the NUM Executive that there was no further possibility of negotiations.

## FINANCIAL RESOURCES OF STRIKERS

In the main there are only anecdotal explanations as to how miners and their families endured a year long strike without wages. Savings would be exhausted and planned expenditure foregone, eg holidays. They were generally able to defer payments of rent, rates and mortgages and the gas and electricity authorities do not appear to have pressed for the payment of bills. Finance companies owed payments on hire purchase agreements also seemed to be prepared to reschedule the debts, but there were reports of cars being repossessed.

2. There is no good information that financial institutions were prepared to afford additional credit, although one case was reported of a miner being able to borrow money from his bank on the expectation of a lump sum redundancy payment. Credit from retail shops would be very limited indeed.
3. Neither the NUM nor the Areas paid strike pay. But there were limited funds at Area and lodge levels for the relief of individual cases of serious hardship. Stories about payments for picketing were diverse. At the outset of the strike some organisers of flying pickets were claimed to be receiving as much as £20 a day and others participating £5, but these payments were not available daily or for very long. By the turn of the year a daily payment of £1, with some assistance for petrol, seemed to have been much more common. Only a relatively small minority of strikers are likely to have received payments for picketing at any time.
4. There are countless stories of other means of securing cash. Craftsmen (eg electricians, bricklayers, carpenters, plumbers) offered their services to householders. There were pigeon shoots for restaurants. Other temporary employment, often in the black economy, was taken with some strikers staying with relatives in other areas where jobs might be found. Coal, wood fuel and food crops were stolen.

5. But in the main families appear to have come to live a dire hand-to-mouth existence, relying on the assistance of relatives and friends, supplementary benefit, hardship funds, assistance from local authorities and developed ingenuity.

6. Supplementary benefit was available throughout to strikers' families, subject to a deduction from the normal entitlement of £15pw until November 1984 and £16pw thereafter ("deemed strike pay".) For some, but by no means all strikers' families, the effect of the change was to nullify the annual increase in supplementary benefit payable from the same date. Up to 19 February, some £33m was paid, representing about £20pw for the average family. This was clearly an important cash contribution, but without other means could not itself have sustained endurance.

7. During the strike it became apparent that claimants could claim in respect of mortgage interest even though building societies were deferring payments. Additionally, some miners were being found to be claiming accommodation costs when accommodation was in fact being provided free by friends and relations. [Action on the former issue is being considered in the DHSS review of social security arrangements].

8. Local authorities provided a considerable amount of support for the strikers and their families rather than for the union. This sometimes took the form of financial contributions to hardship funds (at least £3.5m) but more commonly took other forms - food and clothing vouchers, free use of premises for food kitchens, concessionary use of sports and leisure facilities, rent and rate rebates. [See MISC 101(85)1 and the conclusions reached in discussion of it].

9. Financial contributions from other sources were made through the TUC's hardship fund (at least £240,000) and through hardship funds set up and run by other groups such as churches' and women's support groups. The support groups organised street

collections of money and food, concerts (many supported by well known personalities in the entertainment world) and food kitchens. Christmas appeals raised a fair amount of money (Guardian appeal - £360,000; "Women Against Pit Closures" appeal - almost £400,000) and other unions, both in the UK and overseas, donated food, toys and gifts at Christmas. There is no way of estimating the total value of assistance of this kind.

10. Most of the overseas support took this form. While there was little sympathy for the strike itself there was a great deal of sympathy for the plight of strikers' families. Much of this was engendered by the accounts of hardship spread abroad by NUM envoys who went as far afield as South Africa looking for assistance. In addition to gifts of food, toys and clothing some countries (eg USSR, Italy, Netherlands) provided free holidays for miners' families.