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27 November 1985

CABINET
OFFICIAL GROUP ON COAL

LESSONS OF THE MINERS' STRIKE - SECOND REPORT TO MINISTERS

Note by the Secretaries

Attached for information is a copy of the Group's second report to Ministers and a copy of Sir Robert Armstrong's minute under cover of which the report has been sent to the Prime Minister, and other Ministers listed in the final paragraph.

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Signed BRIGADIER J A J BUDD
J E ROBERTS

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Cabinet Office

27 November 1985

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Ref. A085/3037

PRIME MINISTER

Second Report on Lessons of the Miners' Strike

You asked the Official Group on Coal (MISC 57) to review in October progress in implementing recommendations in areas other than physical endurance that were identified for follow-up action in their first report (MISC 57(85) 9). The review has been carried out and a second report prepared, which I now attach.

2. The report contains:

a. a brief summary of the decisions about physical endurance made at your meeting with the Chancellor and Secretaries of State for Energy and Scotland on 24 July - paragraphs 3 and 4;

b. an account of progress made on protecting local NUM autonomy, the transfer of miners subject to intimidation, pay incentives, weakening the monopoly of NACODS and maximising the contribution of opencast coal - paragraphs 5-7;

c. details of the current position in relation to law and order matters - paragraphs 8-10;

d. a description of progress on a number of miscellaneous points some of which must await the outcome of work in other fields before firm conclusions can be reached.

3. A further meeting of those Ministers most directly concerned with physical endurance is to be arranged next month. You may consider that it is not necessary to have a meeting to

discuss the other matters covered in this report and it would be helpful if other Ministers who have been sent copies would let your office know, as soon as possible, whether they are content to endorse the conclusion in paragraph 15.

4. I am sending copies of this minute and the attached report to the Lord President, Secretary of State for Trade and Industry, Chancellor of the Exchequer, the Home Secretary, Secretaries of State for Energy, Defence, Scotland and Wales, the Chancellor of the Duchy of Lancaster, Secretaries of State for Transport and Employment and the Attorney General.

ROBERT ARMSTRONG

ROBERT ARMSTRONG

25 November 1985

SECOND REPORT ON LESSONS OF THE MINERS' STRIKE

INTRODUCTION

1. In June 1985 Ministers endorsed the specific points for follow-up action in the report by officials identifying the lessons of the 1984/85 miners' strike (Misc 57(85)9). The Prime Minister requested the Official Group on Coal to review progress on implementing the recommendations of the report, other than those concerned directly with physical endurance which were to be dealt with separately. The purpose of this note is to report the outcome of the review requested by the Prime Minister.

2. For convenience this report will address topics in the same order in which they were addressed in the first report. Paragraph references are, unless indicated otherwise, to relevant paragraphs of the first report.

PHYSICAL ENDURANCE (paragraph 2.10i)

3. At a meeting in July 1985 of Ministers most directly concerned it was decided that power station coal stock levels should be restored to 23m tonnes by October (to give some six months endurance) with deliveries being maintained at a maximum rate throughout the winter of 1985/86 to provide a stock level of some 22m tonnes by the end of March 1986. The question of coal stock levels after March 1986 is to be considered towards the end of the year, by which time a number of financial aspects would have been examined further. It was also decided that:

a. further expansion of the capacity of the Scottish Interconnector should not be pursued at present;

b. care would need to be taken over the timing of two year rolling contracts for full utilisation of the French Interconnector;

c. Central Electricity Generating Board (CEGB) plans to improve the flexibility of switching from coal to oil and for widening the scope of what would be considered normal working should be approved, whilst at the same time it was noted that there was little scope for increasing oil storage capacity;

d. advantage should be taken of the January 1986 review of the agreement between the CEBG and British Rail (BR) on rail delivery of coal to power stations to establish some road deliveries as part of normal working.

4. In the event the coal restocking programme has proceeded smoothly and successfully. While falling slightly short of the target for the end of October, stocks at CEBG power stations at the end of the first week in November were some 23.0m tonnes with a further 1.8m tonnes in Scotland. The CEBG and the NCB are finalising the detailed winter supply programme and no difficulties are seen at present in being able to meet the stock target of 22m tonnes at the end of March 1986.

PHYSICAL ENDURANCE (paragraph 2.10ii)

5. Protecting Local NUM Autonomy

a. New Unions

i. The National Union of Mineworkers (NUM) accepted a new rule book at their Delegate Conference in July; the following day Notts Area officials decided to leave the NUM. Nottinghamshire, South Derbyshire and the Colliery Trades and Allied Workers Association (a small group of men expelled by the NUM in Durham) have now each balloted on whether to break away from the NUM. Results in Nottingham and the CTAWA were heavily in favour of leaving the NUM. In South Derbyshire, however, the vote in favour was by a majority of only 26 votes.

ii. The legal process of setting up the new Union of Democratic Mine Workers (UDM), following the ballots, should be complete before the end of the year. Agecroft colliery in Lancashire and Daw Mill in Warwickshire have voted by large majorities to join the UDM and other pits in these areas are to ballot. There is also now an active pro-UDM organisation in Scotland, and a number of branches of COSA, the white collar section of the NUM, have also expressed interest. The executive of COSA had earlier decided against breaking away after receiving assurances from the NUM that, under the new rules, a constituent association cannot be ordered to take strike action by the National Executive Council in contravention of the rules or policy of the constituent association. Mr Roy Lynk, the General Secretary of the UDM in Nottinghamshire

has said the union has received thousands of individual applications for membership.

iv. iii. The NCB have recognised the new union and have had wage negotiations with Nottinghamshire and South Derby. The NUM have sought to refer to the industry's National Reference Tribunal the Board's approach of negotiating separate wage settlements with the NUM and the UDM. The NRT met on 12 November and concluded that they had no jurisdiction in the matter; the industry's conciliation scheme assumes the existence of only one union. The Board recognise that the present machinery may now not be appropriate and intend to open formal consultation on change with all concerned once the UDM is registered. The TUC maintain their position of refusing to affiliate the UDM, although when the NUM executive met the TUC on 6 November, they were told that the TUC believe the UDM to be solidly based, with scope for expansion. Roy Lynk, General Secretary designate of the UDM, has pointed out that the UDM has not sought affiliation to the TUC or the Labour Party.

b. Transfers

i. The NCB have for the most part resisted calls for the wholesale transfer of working miners away from militant areas. There was a considerable amount of intimidation of working miners in the immediate post-strike period, and the public found the Board's policy difficult to understand. Public presentation of the policy made two main points: the large scale transfer of moderates would have shown the tactics of intimidation to have been successful; and there was simply not room in moderate pits to accommodate all those who, in the first days after the strike, had requested transfers. A further reason, unpublicised, was the antagonism in moderate areas towards transferees, many of whom had returned to work for financial rather than ideological reasons, and who would be taking jobs that moderates believed should rightfully go to their sons.

ii. The incidence of intimidation dropped rapidly within a fairly short time; and for the remaining hard core of cases the Board eventually arranged suitable transfers. However, there is evidence of continuing dissatisfaction in some areas. It is probable that the

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perception of the way men have been treated may have the effect in any future dispute of discouraging men outside the traditionally moderate areas from crossing picket lines.

c. Pay Incentives

The NCB have offered the UDM an increase in grade rates of £5.50 a week and an increase of 50p a shift in the basic level of incentive bonus. The Notts area voted on 8 November to accept this offer together with a 30p/shift bonus for attendance between 1 April 1984 and 31 October 1985. The Board have also indicated to the UDM that they have it in mind to introduce improved bonus arrangements for both production and non-production workers; these indications do not form part of the Board's formal offer. They intend to offer the NUM, in respect of areas outside Notts and South Derby, the same increase in the basic level of incentive bonus, but have first sought from the union a written undertaking on union cooperation in improving productivity. The NUM are putting the proposal to their areas for consultation. The Board have not decided whether they will offer the NUM an improvement in grade rates; if they do, it is likely to be rather less favourable than the offer to the UDM (probably a percentage increase, subject to a maximum of £5.50 a week). The Board do not intend to say anything to the NUM at this stage about improved bonus arrangements similar to those which they have indicated to the UDM. The Board's tactics appear to be aimed at giving some preference to the UDM but without making such a sharp distinction between them and the NUM as to provide a foundation for charges of vindictiveness.

d. Conclusion

i. For the short term, the main weapon against militancy is the lack of enthusiasm among NUM members for further industrial action. Many of the pit closures proposed by the Board since the end of the strike have been achieved by simple agreement with unions locally; even traditionally militant areas have shown little heart for resistance, and opposition has been left to local authorities. Since the end of the strike 17 pits have closed and 4 pairs of pits have merged, all by agreement with the unions locally. A further 4 closures and ² one merger ^{have been agreed} at various stages in the Colliery Review Procedure. By contrast, the speed of closures over recent years can be deduced from the number of collieries at end of each financial year:

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1973/74	259		
1978/79	223	-	36 closures (over 5 years)
1979/80	219	-	4 "
1980/81	211	-	8 "
1981/82	200	-	11 "
1982/83	191	-	9 "
1983/84	170	-	21 "
1984/85	169	-	1 "

ii. In the medium term the greatest influence on militancy will be the outcome of the various moves towards breakaway unions. Department of Energy officials are in close touch with the Board over these developments; ballots are still continuing at various pits/areas. For the moment the Board are doing their best to foster the UDM by reaching early pay settlements with them.

iii. Restructuring of performance incentives is a much longer term strategy, but holds considerable promise for countering militancy in the coalfields.

6. Weakening the Monopoly of the National Association of Colliery Overmen, Deputies and Shotfirers (NACODS)

At present deputies (virtually all of whom are members of NACODS), as well as managers, have statutory duties concerning health and safety underground and regulations provide for the formal qualifications they must have before they are competent to perform them. The NCB are putting proposals to the Mines Qualification Board with the intention of widening the base from which the necessary competence can be secured and have also begun discussions with the Mines and Quarries Inspectorate of the Health and Safety Executive on the possibility of changes to regulations to lessen the monopoly power which NACODS can exert. The Inspectorate has already developed a major programme for the modernisation and reform of all safety legislation concerning mines, has begun formal consultations on some aspects of it, readily recognises that the statutory responsibilities of mine management is central to a new legislative framework and that changes need to be made. The complexity of the reform programme and the need for statutory, formal consultations on detailed proposals as they are framed does, however, mean that major legislative change is unlikely in this area before early 1988. The NCB have, however, developed ideas for earlier changes which they intend to discuss with the Inspectorate.

7. Maximising the Contribution of Opencast Coal in a Future Dispute

a. The 1984/85 strike highlighted a number of problems in maximising the benefit available from opencast sites, which continued working throughout:

(i) in some cases planning conditions specified rail movement of coal, and local authorities would not allow road transport, even when rail transport was unavailable;

(ii) even in those areas where the planning conditions permitted the use of alternative transport "in cases of emergency", it was difficult to use road transport because Ministers and the NCB were reluctant to admit the existence of an emergency;

(iii) it was considered too provocative to move stocks from opencast sites in militant NUM areas.

b. The Departments of Energy and Environment have considered the problems described at (i) and (ii) above and have concluded that it would be possible in principle, within existing planning legislation, to phrase future planning consents so that alternative forms of transport may be used and to vary the nine existing planning consents to which restrictions apply. The Opencast Executive are considering the matter and a meeting with D/Energy officials is in prospect to agree the best way to proceed.

c. In the event of future industrial action, there would probably be little scope for improvement in (iii) unless there was considerably less coal movement from other sources, or the political judgements were different.

LAW AND ORDER (paragraph 3.31)

8. It is intended, in the impending Public Order Bill, to replace, in England and Wales, the existing common law offence of riot with a more restrictive, but more clearly defined, statutory one; and to provide that riot charges will require

the consent of the Director of Public Prosecutions. When the Crown Prosecution Service is established it will be for that Service, rather than the police, to decide whether to proceed with charges once brought. These changes should help to ensure that there is no recurrence of the fiasco of the recent riot trials; many were charged with riot in the course of the miners' dispute but none was convicted. (It should be noted that after the disorders in St Paul's, Bristol, in April 1980 twelve people were charged with riot, but eight were acquitted and the jury failed to agree verdicts on the remaining four. No one was charged with riot after the more widespread disturbances in 1981.)

9. The study groups set up by the Association of Chief Police Officers (ACPO) to consider the policing lessons to be learned from the dispute have now completed their tasks. They have drawn on reports made by individual chief constables. The numerous recommendations of the study groups are mainly on points of detail (for example on tactics and equipment) and will be considered in the normal way by ACPO and the Home Office. Similar reviews were not carried out in Scotland where police operations were conducted in a markedly different way, but the Association of Chief Police Officers (Scotland) have arranged to be kept closely informed of the outcome of the reviews carried out in England and Wales. The local authority associations have been mainly concerned with financial matters and the constitutional position of police authorities. Their views are being discussed by the Police Advisory Board under the Home Secretary's chairmanship.

10. Magistrates Courts

From an early stage in the miners' strike Lord Chancellor's Department officials encouraged the magistrates' courts affected to ask the Lord Chancellor for the appointment of an acting stipendiary magistrate if an insufficiency of justices was likely to be a cause of delay in the disposal of cases. It was several weeks after the initial approach to the courts before they decided that acting stipendiary magistrates were needed. Appointments were then made as requested. The Lord Chancellor's Department maintains an expanding list of practitioners, justices' clerks, retired stipendiary magistrates and others who are qualified and suitable for appointment as acting stipendiary magistrates, and together with the 60 or so full-time stipendiary magistrates currently serving in England and Wales there is a sufficient number to provide an adequate level of professional support to lay benches if a similar situation develops in future. Delays did not arise solely because of a shortage of magistrates; there were some problems over

the availability of courts clerks and courtrooms and many of the cases required a lengthy time for defence and prosecution preparation.

OTHER FACTORS (paragraph 4.24)

11. Assistance with Mortgage Interest Payments

As part of the measures arising from the Social Security Review, Ministers have agreed that negotiations should take place with the building societies to restrict, as from autumn 1986, assistance with mortgage interest payments in supplementary benefit cases. Although this measure would not specifically refer to strikers it should go some way towards dealing with the problem identified.

12. Strike Ballot Provisions of the 1984 Trades Union Act

In commenting on the first report the Attorney General drew attention to the confusion and problems that might arise when more than one issue featured on strike ballot papers - quoting the example of the NACODS ballot in September 1984. The Department of Employment monitors strike ballots under the 1984 Act and has come across no other example where it might be suggested that majority for industrial action was secured only by such possible confusion. The Department continues to review the strike ballot provisions, which have been in operation for only 12 months and are generally considered to be working well and to good effect, with the Attorney General's concern in mind.

13. Financial Assistance to Strikers from Local Authorities

It is expected that the Widdicombe Inquiry into Local Government procedures and practices will report on matters relevant to local authorities scope for providing financial assistance to strikers and their families in late spring 1986.

14. The Use of Authoritative Public Spokesmen and Improvement of Channels of Communication with Work-forces

Departments concerned (Energy, Transport, Environment and Trade and Industry) have all reported that their public sector industries are aware of these lessons and are planning accordingly. Specifically:

a. The NCB have advised Area Managements to invite some union members, as well as officials, to consultative meetings and to make use of letters to individual employees rather than rely solely on union channels of communication. Courses at the NCB Staff College are now placing emphasis on the need for effective communication with all levels of the workforce.

b. The appointment of an authoritative spokesman by BR during the 1985 summer dispute with the National Union of Railwaymen (NUR) seemed to play an important role in putting the facts of the dispute clearly before the general public and the NUR members; the latter subsequently voted to reject strike action. BR have developed methods of communicating with their workforce, that do not rely on union channels, which were used effectively during both the miners' strike and the summer 1985 dispute.

c. The British Steel Corporation already use the Board's internal newspaper and letters to individual workers (mostly from local levels of management) to provide direct communication with their workforce, the effectiveness of which is greatly enhanced by pay and industrial relations matters being largely dealt with at local level.

d. The Post Office have earmarked two potential spokesmen at national level (The Chairman and the Board Member for Industrial Relations) and intend to rely on Head Postmasters as first line spokesmen in the event of a purely local dispute. A great variety of channels of communication with the workforce are currently employed - it is believed successfully.

e. The Water Authorities Association plan to employ two spokesmen in the event of future disputes, one to deal with all aspects of the causes of the dispute and the other to deal with the effects of the dispute on the public and other water users. The best method of effective communication between management and their workforce will be decided by the ten water authorities and twentyeight water companies that make up the industry - advised and encouraged by the Association.

CONCLUSION

15. Ministers are invited to:

a. Take note of the follow-up action, taken and in hand, to take advantage of the lessons of the 1984/85 miners' strike;

b. Agree that the Official Group on Coal should continue to monitor progress and report as necessary.

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