



10 DOWNING STREET

Prime Minister

This is the minute
Mr King should have
circulated before the
weekend. The logic of his
argument is sound but
he could have been more
aware of his colleagues.
Mr Walker was particularly
incensed at being taken
by surprise - see attached.

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Andrew Turnbull Esq
Private Secretary
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4 June 1984

Dear Andrew,

TRADE UNION BILL : STRIKE BALLOTS

You will have seen the reports in yesterday's and today's press that my Secretary of State proposes to amend the Trade Union Bill at Committee Stage in the House of Lords to make immunity for calling industrial action dependent on a trade union achieving majority support in a secret ballot for that industrial action.

As you know, the present Trade Union Bill contains a requirement that for a union to have immunity there must be a secret ballot before industrial action is called. It makes no stipulation, however, about the specific majority which is required in that ballot. The amendment which my Secretary of State is now proposing would insert in the Bill a requirement that there should be a majority in favour of the strike, before industrial action had immunity.

The reason the original Bill was drafted without a majority requirement was two-fold. First a number of unions, specifically GMBATU and NUM require more than a simple majority (ie two-thirds and 55 per cent respectively) before industrial action can be called. It was originally thought that a lesser requirement in legislation would provide an excuse for Scargill and others to reduce the majority requirement in their own union's rules. Secondly when the Bill was being drafted it seemed scarcely credible that a union leader would embark on a strike after having taken a ballot in which a majority had voted against strike action.

Recent events have significantly changed this position. The NUM Special Conference in April finally agreed to change to a bare majority rule for strike ballots; and the coal dispute has provided several examples of union leaders calling strikes despite the fact that ballots of union members have shown a majority, in some cases a decisive majority, against a strike.



The previous arguments against inclusion of a majority requirement in the Bill were finally balanced. But my Secretary of State believes that in the new circumstances it will be almost impossible to explain how the Bill allows industrial action to have immunity, even though in a ballot only a minority of union members have voted in favour. The proposed change to the Bill, to which my Secretary of State referred at the weekend, is intended to deal with these changed circumstances. It will require the ballot to show that a majority of those voting (not, as reported in some papers, a majority of those entitled to vote) have voted in favour of industrial action, before that industrial action has immunity.

... I attach some briefing notes for Prime Minister's Questions tomorrow. In view of the publicity this proposal has received I am sending copies of this letter to the Private Secretaries to Members of the Cabinet, the Attorney General and Lord Gowrie.

Your sincerely

David Normington

D J NORMINGTON
Principal Private Secretary

PRIME MINISTER'S QUESTIONS: 5 JUNE

TRADE UNION BILL: STRIKE BALLOT MAJORITY

Line to take

Was the Prime Minister aware that the Secretary of State for Employment was proposing to erect an impossible hurdle for trade unions to surmount? Does she not accept that this will mean that all industrial action will be unofficial in future?

The amendment which my rt hon Friend proposes will simply make it a condition of immunity that a majority of those voting in a secret ballot vote in favour of industrial action. Does the Leader of the Opposition think unions should have immunity even when a majority of their own members have voted against a strike? Is that his idea of trade union democracy? He was a late convert to the idea of a ballot in the current miners' strike. If he is now saying that the result of a ballot is irrelevant I wonder if he is a convert at all.

But won't this proposal encourage unofficial action?

I do not believe so. Unions will not lightly give up the power to organise strikes themselves. Does the Rt Hon Gentleman really imagine that a national strike of several thousand ^{trade unionists} could be entirely unofficial. If a strike is official unions can put pressure on their members to strike by threats of suspension or expulsion. There are very recent examples. Those sanctions are not available to unions in the case of unofficial action. It is intolerable that unions should be able to intimidate their members into striking against their will when those members have been denied any chance to express their own views in a ballot. That is why the Bill makes balloting a condition of immunity for official industrial action.

Does the Prime Minister not realise that this proposal is irrelevant to the miners dispute and can only prolong the strike? It will join the 1980 and 1982 Acts on the scrapheap of unused legislation

(NB The Trade Union Bill is unlikely to come into effect until October and hence the new majority requirement is unlikely to be an issue in the miners strike). It is and always will be for those who are damaged by unlawful industrial action to decide whether or not to use the remedy of the civil law. The Opposition would like to deny people any civil remedy at all: they are

committed to returning to unlimited immunity for each and every bit of industrial action, however destructive, however irresponsible, however remote from the original dispute. That is their policy for industrial relations: a return to the legislation of 1974 and 1976 which led directly to the winter of discontent.

The Opposition ignore the distinction between the civil law and the criminal law. It has always been a criminal offence to obstruct, to intimidate and to use violence on the picket line. The job of the police is to enforce the criminal law. That has always been their job and they have been doing it magnificently. And they have had no support from the Labour Party. All we have heard from Rt Hon Gentlemen opposite are ritual and all purpose condemnations of violence, laced with innuendo directed against the police.

It is ridiculous to suggest that the police are enforcing the criminal law because civil law remedies have not been invoked. The police are enforcing the criminal law because ^{the} criminal law has been broken. It is as simple as that. No amount of sophistry or special pleading from Rt Hon Gentlemen opposite can obscure that simple fact. The job of the police is exactly the same whether or not the civil law is being used.