



10 DOWNING STREET

From the Private Secretary

5 July, 1984

TRADE UNION BILL: POSTAL BALLOTS

The Prime Minister held a meeting today to discuss the Government's response following the adoption in the House of Lords of the amendment put down by Lord Beloff et al. Present were the Lord Chancellor, Lord President, the Lord Privy Seal, Chancellor of the Exchequer, Secretaries of State for Trade and Industry and Employment, Chancellor of the Duchy of Lancaster and Lord Gowrie. Also present were Sir Robert Armstrong, Mr. Gregson and Mr. Letwin.

The Secretary of State for Employment said he had spoken to the sponsors of the amendment to establish what form of Government amendment they would be prepared to accept. He had put forward the following proposals which were to be regarded as a package.

(i) There should be a presumption that ballots would be by post unless the union was satisfied workplace ballots were equally or more likely, in the circumstances of that union, to meet the requirements of secrecy, convenience, freedom from interference etc. specified in the Bill.

(ii) A new statutory right would be created for a union member to complain to the Certification Officer that an election had not been conducted in accordance with the Act. The CO would have a duty to investigate the complaint and a power to make a legal declaration if he found there had been a breach. The declaration would not itself be enforceable but, if the union ignored it, the complainant could take it to Court which would have to take it into account in considering an application for an enforceable order.

(iii) There would be a new statutory duty on trade

unions to compile and keep up-to-date a register of their members' names and addresses (a member would not, however be required to give his home address for this purpose).

(iv) The amendment to be tabled at the Committee stage empowering the Court to order the holding of a postal ballot where a workplace ballot had fallen short of the Bill's requirements would be strengthened. The Court would be required to order the holding of a postal ballot unless it considered this impracticable as opposed to the discretionary power in the amendment as currently drafted.

The Secretary of State for Employment said these proposals put into workable form the principles embodied in the Beloff amendment. They were consistent with the Government's objective that the responsibility for enforcement should lie with those taking part in the elections and they would avoid putting the Government in the position of determining which unions should be exempt from postal ballots. Those whom he had consulted were prepared to support these amendments which he intended to table next Monday, for debate on Thursday.

In discussion it was pointed out that the original objection to mandatory postal ballots in all circumstances was that many unions did not have and could not establish adequate registers. If they were to be required to do this, this argument lost its force. Against this it was argued that the keeping of registers was not the only argument against universal postal ballots. It was noted the major advance represented by these proposals was the outlawing of branch ballots.

Your Secretary of State confirmed that the facility to approach the Certification Officer was an option - the complainant could still go direct to the Court if he wished. He could also challenge the decision by the union to go for workplace ballots as well as the results of elections held under that system.

Summing up, the Prime Minister said these proposals had been skilfully put together to turn the principles of the Beloff amendment into workable form. The Lord President was optimistic that sufficient support for the proposals could be obtained. He offered to speak to Lord Marsh. The Secretary of State for Employment stressed that good press coverage immediately after the amendments had been tabled

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was essential and he would be giving extensive briefing next Monday to editors and correspondents. He would also speak to those, such as Aims of Industry, who had been pressing for universal postal ballots.

I am sending a copy of this letter to Richard Stoate (Lord Chancellor's Office), Janet Lewis-Jones (Lord President's Office), David Morris (Lord Privy Seal's Office), David Peretz (HM Treasury), Callum McCarthy (Department of Trade and Industry), Alex Galloway (Chancellor of the Duchy of Lancaster's Office), Mary Brown (Lord Gowrie's Office) and to Richard Hatfield and Michael Buckley (Cabinet Office).

(A. Turnbull)

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