

Pit hopes still alive despite deputies' 82% vote for strike

- Power workers declined to agree to demands for concerted action against power stations, keeping alive hopes that the pit strike could be contained
- Although 82 per cent of the pit deputies' union, Nacods, voted for strike action, bringing them closer to the NUM line on pit closures, they want talks with Acas
- Any strike by Nacods resulting from the vote may be unlawful and the union could be sued by employers seeking damages up to £250,000

- The Bishop of Durham, who observed the Nacods count, said: "I think the union concerned is out to use what power it has to get this strike ended as soon as possible"
- Acas is to hold separate talks with the coal board and the miners' union, probably next week, to see if there is a basis for holding joint discussions
- A convoy of 20 policemen were trapped in what police called a carefully planned ambush by hundreds of stone-throwing miners' pickets near Rotherham (Page 2)

By Paul Routledge and David Felton

Hopes of containing the seven-month-old pit strike were still alive last night after the power workers declined to agree concerted sympathy action against the power stations, and the pit deputies made clear that, although 82 per cent of them voted to approve strike action, they want to sit down and talk with the National Coal Board and the Advisory, Conciliation and Arbitration Service (Acas).

Acas said yesterday that it was to start new talks with the board and the National Union of Mineworkers to "try to establish whether any basis can be found which would hold out prospects of progress if joint talks were later arranged".

No date is fixed for these separate talks, but they will probably be held next week. Yesterday, Acas held private talks with the coal board chairman, Mr Ian MacGregor, and his officials.

The electricity supply unions were split when two right-wing unions refused to go along with demands by the other seven for declarations that they would organize supportive action for the miners in the power stations. Now leaders of the seven will make renewed efforts to persuade their own members to block fuel supplies to power stations.

The power unions' failure to achieve a common front was widely predicted. Mr John Lyons's Electrical Power Engineers' Association has refused to take any supportive action and the EEPU led by Mr Eric Hammond is to hold a ballot of its power station members.



The Bishop of Durham in Doncaster yesterday.

Speaking up can help, says bishop

The Bishop of Durham, the Rt Rev David Jenkins, last night defended his controversial comments on the miners' dispute. He said that the sharper the issue was made, the better.

Speaking before a memorial service at South Hetton, co Durham, to commemorate the 144th anniversary of the Haswell pit disaster in which 95 men died, the bishop said that the strike was so utterly miserable that anything must be done to stop it.

He added that there was a real chance of a settlement if people on both sides "let up" for a few days.

Earlier, the bishop observed the counting of votes in the Nacods ballot at Doncaster and said: "I am in favour of ballots and I think the union concerned is out to use what power it has to get this strike ended as soon as possible."

Although other unions stated their willingness to persuade members to refuse to handle freshly mined coal, or oil being used as a substitute for coal, Mr Lyons was sceptical about their ability to deliver action. "It is unlikely to be anything serious, at least in the foreseeable future", he said.

The position taken by the leaders of 16,000 pit deputies, members of the National Association of Colliery Overmen, Deputies, and Shotfired, is more complex. They voted by 82.5 per cent in a secret ballot to go on strike in support of the NUM's aims on colliery closures and their leaders are taking "immediate steps" to give effect to the vote.

They interpret that as expressing a wish to negotiate with the board.

Mr Peter McNestry, Nacods general secretary, said: "We want talks with the NCB and Acas about the current differences with the board, which includes the need for a new colliery review procedure to deal with management's proposals on the future of pits".

Nacods talks with the coal board are due to open on Monday.

The significance of yesterday's decision is that it brings the pit deputies much more closely into line with the NUM on pit closures, and if the deputies stopped work, no coal board pit would be able to operate because the Narods men are vital to safety requirements.

Yesterday's Nacods statement indicates that there will be

no early strike, but that the strike vote will be used as a bargaining counter in an effort to shift the coal board from its position.

After yesterday's meeting between Acas officials and Mr MacGregor a joint statement said that "Acas now intends to explore the position in more detail with each of the parties separately and in confidence."

"Both the NCB and NUM have today indicated their readiness to meet Acas officials when requested to do so."

The note of caution was struck later by the Acas chairman, Mr Pat Lowry, who said: "There would obviously be no purpose in Acas issuing immediate invitations to joint conciliation meetings if the anticipated result were to be yet another breakdown."

In another development yesterday, a High Court judge declared the strike unlawful because NUM members had been denied a ballot.

The judge's ruling, that the strikes in Yorkshire and Derbyshire are unlawful, will have the effect of making picket lines unofficial and last night the coal board said there was nothing to prevent miners returning to work in those areas.

- Mr Neil Kinnock, leader of the Labour Party issued a statement arguing that reports yesterday in *The Times* and other newspapers of a new Labour peace plan were misleading.

Full statement page 2
Leading article, Letters, page 9

Ballot form was legally invalid

The National Coal Board has been given legal advice that yesterday's strike vote by Nacods, the colliery deputies' union, may be unlawful.

That means that the union could lose its immunity against civil action in the event of a strike, with employers able to sue the union for damages of up to £250,000.

Any strike called by the union will be affected by the Trade Union Act, 1984. Although the Act received the Royal Assent in July, it was not until this Wednesday that the section on ballots for industrial action came into force.

That section lays down the requirements to make such ballots valid. Without a valid ballot, any strike or other industrial action, loses its legal immunity.

The ballot must be secret, one of the questions on the paper must call for the answer yes or no to a simple question on whether to take industrial action; and somewhere on the ballot form there has to be a warning that voting for industrial action will breach the contract of employment.

The Nacods ballot carried no such warning, although conforming to the Act in every other respect.

The vote, which began a week ago, ended on Wednesday. But the Act affects every industrial action or strike coming into effect after Wednesday, and therefore covers any strike the union calls if talks with the National Coal Board on pay and pit closures break down.

For such a strike to be lawful,

it must have been mandated by a ballot deemed proper under the Act.

Last night, the board confirmed that it was aware of the invalidity of the ballot. But it has not made any attempt to resort to legal action against the NUM during its seven-month dispute, and there is little reason to suppose that it would take Nacods to court.

A board official said: "We looked at the new Act when it was introduced, and have been considering whether it had any relevance to any of our problems."

It is possible, however, that another employer might seek damages from Nacods if it declared a strike.

Although the union has only one-tenth the NUM's membership, with 16,000 members, it has the power to achieve the total shutdown of the coal industry.

A Nacods strike would remove the safety cover required by law in every colliery. The deputies form the first and second lines of management underground, and are responsible for the safety of every person and machine.

The board would have little choice but to close down the collieries, including those that have been working throughout the NUM dispute.

Any employer who lost money or commercial contracts through such a shutdown would be free, under the law, to take the union responsible to court, with each employer able to claim up to £250,000 if successful.

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By Paul Routledge and David Felton.

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