

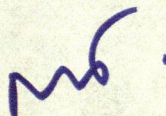
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WHITNEY, R. P.

19th February, 1980

Thank you very much for sending me a
copy of ^{your} their letter of yesterday's
date addressed to Jim Prior.

I have shown your letter to the Prime
Minister.



Ian Gow

Ray Whitney, Esq., O.B.E., M.P.



HOUSE OF COMMONS
LONDON SW1A 0AA

18 February 1980

Rt Hon J Prior MP
Secretary of State
Department of Employment
Caxton House
Tothill Street
London SW1

Dear Jim,

Only deep concern that we are getting things wrong leads me to inflict this on you when you are under such pressure. And brevity means baldness. Please accept, therefore, that each of the assertions which follow should be prefaced by "With great respect, I believe that"

There are fundamental flaws in your basic approach to our industrial relations problems. You say we are on the "brink" of a general strike or something worse. You refer, with trepidation, to "working class solidarity".

These views stem from the many years during which you have tried so valiantly to build a bridge between the TUC and our Party. You have been led to underestimate the extent to which the trades union leadership is out of touch with its membership. The workforce of this country (only 50% in TUC unions) will not be dragged over the abyss by Len Murray or Arthur Scargill - which is not to say that there may not be damaging strikes in the public sector. It is always difficult to shed the influence of our own backgrounds and your fear of the working class is exaggerated and out of date. I say this on the basis of an impeccable working-class pedigree (and I have kept my roots in the Midlands and Yorkshire well watered). We are the populist Party now - although we have a lot to learn about exploiting this advantage.

These fundamental flaws have led to particular misconceptions. There never was a chance that the TUC would have accepted any change without, in their words, "outright opposition". Their aim was always to slow us down ("consultation") and water down ("moderation"). They have succeeded. But at the end of the day they will fight. We all do when our interests are threatened.

The idea that there can be a second, or even a series, of Employment Bills in this Parliament can make no political sense. Think of the headlines: "Another attack on the workers," "when will they get it right?" etc etc. We were elected, with the help of many union members, to "do something"

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about the unions - few understand the intricacies - and it would be politically fatal to be thought to renege. My wife and I have been canvassing for a county council by-election for the past two week-ends (council estates and young marrieds social class B/C) and that message is stronger than ever.

There will never be a peaceful period in industrial relations when changes in the law can be introduced "calmly". Our political enemies in the trades unions are not as well organised as they might be (thanks be to God) but at least we must credit them with the capability of causing trouble somewhere when it seems to suit their book. Scenes such as those which occurred outside Hadfields last week can - and must - be turned to our advantage.

I accept that existing criminal law and the provisions of the Employment Bill should deal with secondary picketing. The major problem which needs to be faced is secondary action. (It is also the major cause of our industrial decline. British manufactures are difficult to sell more because of insecurity of supply than because of high price or poor quality.)

I understand from The Times of 14th February and from an earlier conversation with one of your legal advisers (of which you were made aware before it took place) that you propose to tackle the problem of "sympathy" strikes by limiting immunity to such strikes which are called at "first suppliers or first customers". I believe this proposal is misguided and likely to make matters worse.

Given that a Conservative Government would appear to be granting unions carte blanche to attack first suppliers or customers, what union leader would be able to resist demands from extremists to do so? We should be encouraging the spread of the British disease.

The idea of "first" suppliers or customers is based on a simplistic, diagrammatic conception of industry. Reality is often much more complicated - or can be made to seem more complicated by lawyers arguing one side of the case or the other. (Consider, for example, how easy it would be for employers to turn primary into secondary suppliers or what union lawyers might make out of "who owns what" situations. See also The Economist of 16th February, p.67.)

You stress, rightly, the importance of the right to strike. Are we now to say to workers: "you are in a secondary relationship and may not strike"?



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Complex law is usually bad law. It can certainly be bad politics. I therefore suggest that the problem of secondary action should be tackled from a different direction. Rather than complicate the law still further, let us work with the political grain on which, in the end, we must rely - the good sense of the British people.

Try this as a New Clause in the Employment Bill:

"Every citizen has a right to withdraw and a right not to withdraw his labour. It shall be unlawful [weaker version - "actionable in tort"] to seek to operate any sanction against him because he exercises either right".

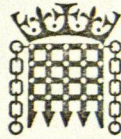
This would hurt union autocrats far more than the amendment you are reported to favour (and be of greater benefit to industry) but would present them with a much more difficult target to attack. Inevitably, they will scream but public revulsion from them, plain common sense and practices accepted in other countries could all be turned powerfully to the defence of this position.

Your afore-mentioned legal adviser suggested that what I propose would to a large extent be achieved by Clause 3 of the new Bill. Not so. Clause 3 deals only with expulsion from a union - there are various other sanctions which could be applied - and the onus would be on the worker to show that he had been "unreasonably expelled". Even if successful, the worker would be entitled only to compensation and not to re-instatement. Parliament must tackle this problem rather than shuffle part of it off to industrial tribunals and ignore the rest.

It was never going to be easy to get this question right. It became more difficult when we failed to act in the summer. Some casus belli would have been found this winter even if Charles Villiers had not offered himself as a convenient Aunt Sally. It became worse after the Government's uncertain reaction to the McShane judgment. Still more harm has been done by the briefing which appears to have been given to the press by those who share your views as a supplement to the authorised version of what transpired when you spoke to the 22 on 7th February. Since then the press has been having a field day about Cabinet divisions, including the contribution of our anonymous colleague to yesterday's Observer.

But it may not be too late, even now. If the Government has the courage to look beyond Fleet Street and Congress House and uses intelligently all the advantages which are available to us, the road back to industrial sanity will not be as bumpy or as long as it now appears.

RAY WHITNEY, O.B.E., M.P.



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18 February 1980

I am sending copies of this to Michael Jopling and Ian Gow. I also thought that Nigel Lawson and Peter Rees might want to know how their PPS feels.

Yours ever,
Ray