Copied filed on: Ind Pol (Chg) Pt. 4.

Caxton House Tothill Street London SW1H 9NA

Telephone Direct Line 01-213 6400

Switchboard 01-213 3000

Rt Hon Lionel Murray OBE
General Secretary
Trades Union Congress
Congress House
Great Russell Street
London WC1B 3LS

19 February 1980

Dear Len,

I am sure that, like me, you share the deep and widespread public concern about the recent and well-publicised incidents of mass picketing during the steel dispute, and the threats that are now being made from within the trade union movement of further picketing of this kind. Mass picketing which involves the blockading of premises, the obstruction of supplies and actual or potential physical intimidation of employees attempting to reach their place of work is contrary to the criminal law. It is also clearly not in keeping with the advice the TUC itself issued just a year ago to all unions in its Guide on the Conduct of Industrial Disputes.

The law is clear. Pickets, if they are to act lawfully, must do no more than peacefully obtain or communicate information or seek peacefully to persuade another person not to work. The law in this respect has not changed in any significant way for over a century and is now contained in Section 15 of the Trade Union and Labour Relations Act 1974. The immunity provided by the law for picketing in the furtherance of a trade dispute is dependent on the actions of pickets being taken peacefully. Mass picketing which either by sheer obstruction or by instilling fear prevents anyone who would otherwise pass a picket line is not protected by the law. It has always been an essential feature of the law that no-one should be prevented from going about his lawful business and this clearly applies to an employer seeking to conduct his normal business as well as to an employee attempting to reach his place of work. Needless to say, any act or threat of violence can attract severe penalties under the criminal law.

The immunities provided by the law enable peaceful picketing to take place where this is in contemplation or furtherance of an industrial dispute. Without some such immunities unions could be handicapped in furthering their members' interests when in dispute with an employer. But it is also the function of the law to protect the rights of people - employers and employees - to go about their daily business, to work or not to work, and to make their own decisions whether to exercise those rights. In a democratic society it is not tolerable for these individual rights to be put at the mercy of threats, intimidation or obstruction, and I know that the TUC would never argue that it should be.

The TUC's own Guide sets out a clear statement of the law which is very much in accord with the position as I have stated it in this letter. The Guide also provides responsible advice on the way picketing should be conducted. In particular, it makes clear that pickets should be advised to act in a disciplined and peaceful manner and that an authorised and experienced union member, preferably a union official, should be in charge of the picket line and should ensure that the number of pickets is no larger than is necessary. The authorised union official is expected to advise those who picket to avoid insulting words or behaviour which would constitute an offence, and to refuse the assistance on a picket line of anyone who does not undertake to accept instructions and behave in a lawful and disciplined manner. Armbands or badges are to be provided as a means of identifying authorised pickets. In providing this guidance, the TUC is clearly acutely conscious of the difficulties to which the assembly of large numbers at a picket can give rise and of the risks of obstruction or intimidation in situations which are difficult to control.

Given the widespread public concern which has arisen from recent picketing incidents and the threats now being made by some trade union spokesman of further mass picketing and blockading, I hope that we can look to the TUC to reaffirm its advice to all affiliated unions to observe the guidance the TUC itself has provided. In particular, I hope the TUC will urgently advise unions against all aspects of picketing which are unlawful and of the rights of individuals not to be impeded or intimidated in moving freely to and from their place of employment. The trade union movement in this country has long been proud of its readiness to uphold the law and respect the rights of individuals. I hope that it will be ready to demonstrate this again today.