

*A. Augier**u. Wolfson*

*From the Secretary of State*

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The Rt Hon James Prior MP  
Secretary of State for Employment  
Department of Employment  
Caxton House  
Tothill Street  
London, SW1H 9NA

15 February 1980

*Dear Secretary of State.*

I have now seen a copy of the draft consultative document following our agreement in E on Wednesday to combine Options 3 and 5. If I may say so, subject to two points which I make below, the draft sets out very clearly what we agreed. I was especially glad to see the reference in paragraph 18(b) to "predominantly in pursuit of the trade dispute in question". It seems to me to strengthen considerably the earlier wording which referred to action "not too far removed".

First, given the general thrust of our agreement that we should draw the line in such a way that immunity for secondary action does not go beyond the first customers or suppliers of an employer in primary dispute with his own employees, I wonder whether the document should make clearer that it does not extend to the case of secondary action where no employer is in dispute with his own employees. I have in mind incidents of the Nawala type: as you know I am anxious to avoid repetitions of this if possible. I think we are at one in regarding this as one of the forms of secondary action which falls outside the limits we have agreed - namely first customers and suppliers.

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The method may perhaps be to insert "with his own employees" after the word "dispute" in the second line of paragraph 15: and by adding "own or other" after "his" in line 5. The paragraph would then read as attached. But of course I am not wedded to the particular wording as long as the purpose is made clear.

Secondly I wonder whether the final sentence of paragraph 11 might tie our hands unduly when we come to publish the proposed Green Paper later this year. You might want to consider deleting this sentence, which seems rather to argue the case against extending things further: I would prefer to keep our options open for the future.

I am copying this letter to the Prime Minister, to other members of E, the Solicitor General and Sir Robert Armstrong.

*Yours sincerely*

*Stuart Hampson*

JOHN HOTT

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PARAGRAPH 15

Under this approach anyone who was neither a party to a trade dispute with his own employees nor in an immediate commercial relationship to such a party would be protected from any interference with his commercial contracts where this arose from threatened or actual industrial action taken by his own or other employees in furtherance of that trade dispute. He would therefore be free to exercise his normal rights to seek redress in the courts for any such interference with his commercial contracts.

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