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RECORD OF MEETING BETWEEN CTU AND SECRETARY OF STATE FOR EMPLOYMENT
AT NO 8 ST JAMES'S SQUARE11 July 1979

Present:

Secretary of State
Mr Shepherd (Special Adviser to S of S)
Mr Fred Hardman (Chairman, CTU National Committee)
Mr Ken Thornber (ASTMS)
Mr Rodney Bennett (ABS)
Mr Tom Ham (EETPU)
Mr Ken Hutchinson (CPSA)
Mr Frank Russell (ACTSS)
Mr Mike Watts (NALGO)
Mr Martin Gillate (CTU)

DE Working Papers on IR Proposals

Following the publication of the DE Working Papers, the media were particularly interested in the CTU's meeting with the S of S. It was agreed that in any comments to the press after the meeting, it should be pointed that this was one of a series of regular meetings the CTU held with the S of S, and the Working Papers had not been on the agenda.

CTU Working Paper on IR Reform

Introducing the discussion, Mr Thornber said that the paper was only in its second draft and required further "polishing" before final completion. In any presentation of proposed IR reforms it was important that emphasis should be placed on the fact that such proposals did not represent any attack on basic union rights. The Government needed to state repeatedly that all it was wanting to do was to tackle abuses (eg on the closed shop and picketing) and go no further.

Picketing: The CTU Working Party felt that picketing should be confined

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to the place of work but it was thought that industry would be unlikely to take action against "secondary" pickets. Therefore special obligations should be laid upon the police to satisfy themselves that picketing was not of a secondary nature: if it was, they should be empowered to move the pickets, and if the pickets refused, to charge them with obstructing the police in the course of their duties. It was also important that the law on picketing should be clarified.

In discussion, it was pointed out that in preparing their proposals, the Government had been conscious of the need not to place an intolerable burden on the police and also the importance of proposing measures to confine picketing which would prove workable.

The CTU's working paper rejected absolutely the endorsement in the TUC's guideline of picketing the customers or suppliers of the firm in dispute. Yet even the TUC conceded that there was no legal right not to picket as such, and the Government should/let the TUC forget that this had been acknowledged in the TUC's own guideline.

In further discussion the Government's need to proceed with great care was emphasised. But it was also noted that there was a general consensus in the union movement that last winter's picketing had done much harm and there was now a general public demand for something to be done about it.

Secret Ballots: The CTU Working Party saw little prospect of the unions accepting State funds or voluntarily adopting greater use of secret ballots. Their recommendations, therefore, were that a) in the case of union elections, it was up to moderates to press the case for secret ballots, but that b) as regards strike ballots, a time limit should

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be given for such ballots to be included in disputes procedures and upon expiry of that limit legislation should be enacted which penalised strike action without pre- or early confirmatory strike ballots (the penalty for failure to hold such ballots should be withdrawal from immunity for tort actions for the appropriate union). In discussion the need for checking the conduct of union ballots which were to receive State funds was emphasised.

The Closed Shop: The CTU Working Party felt that the right not to belong to a union is compatible with the operation of closed shops. Closed Shop agreements allowing exemptions were to be welcomed, with a re-constituted ACAS being given a positive role in vetting such agreements as are being concluded. As regards cases of dismissal stemming from the closed shop, management, the union or the individual should have the legal right to call in ACAS to attempt conciliation; and ACAS should be given legal rights to declare that status quo shall be observed for one month to allow it to explore possible solutions, and also to apply for an injunction to restrain action by any of the parties. In any subsequent dismissal, the individual could sue the employer for damages, and it would then be open to the employer to claim damages from the union. It cannot be right that the TUC's Independent Review Committee deals with questions of exclusion and expulsion. Attention was drawn to the section in the Working Party report on Management's role, particularly the need for managers to be trained in IR. In conclusion, the Working Party felt that the unions should be given a period of grace, during which they could be asked to take further action on the closed shop and picketing. If they had failed to do so and had missed the chance to put their own house in

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order, the Government would be seen to be introducing legislation only in the last resort. It was pointed out, however, that the Government had been under pressure to introduce legislation before the summer recess, that there was no scope for delaying legislation for longer than was now envisaged, and that the Party had repeatedly emphasised the TUC's inability to put its own house in order.

The Closed Shop

In further discussion on the closed shop, the issue of requiring individuals exempt from membership of the union to pay contributions to a charity (in place of union dues) was considered. In negotiations, union representatives had accepted such provisions, even allowing people exempt from membership to choose the charity themselves. The case of Sandwell District Council was also raised - the employers in this instance (newly elected Labour council) were trying to impose a closed shop: it was felt that the best course of action would be for CTU to arrange as much publicity as possible in the West Midlands.

Spending Cuts and the Manpower Services

Concern was expressed at the effect of the spending cuts on training skilled workers (particularly engineers), when the skills shortage was already so acute. But it was pointed out that the MSC were already providing finance to enable the EITB to keep up the number of trainees.

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Cuts in Local Government Manpower

Mr Watts presented the first draft of a CTU Group paper on cutting Local Government spending. It was often the procedures followed by LAs which lay at the heart of much "wastage" and afforded greatest scope for economies in a way which would avoid indiscriminate cuts.

The S of S said that he would see that other Ministers involved in the economies exercise received copies of the paper, and he would also be suggesting that Ministers kept in touch with the various CTU groups.

Other Business

CTU Fringe Meeting at the TUC Annual Conference - the S of S expressed concern at the difficulties his presence could cause. He would give this further consideration, but felt that one of the other DE Ministers could attend.