

13 February 1980

HOME MINISTER

to Hancock

EMPLOYMENT BILL

The attached letter from Len Neal is self-explanatory. Too late for this time round, but it's important that we get the next stage moving. That will have to mean enough of a teach-in on the fundamental principles at issue, so that colleagues can agree on the moral, as well as the economic and legal objectives. That sort of agreement and understanding won't come at E Committee meetings.

We will also need to maintain pressure to ensure that Green Papers emerge, and this means a multi-department group to examine the options. We are taking steps to ensure (I hope) that the reference to the Green Paper in the summer is recorded in the E minutes.* I am at present assuming that, by early summer, the tune will have changed and arguments will be coming forward that it is too early to produce a Green Paper, that the new Act must be tested first, that raising controversial issues in a Green Paper would be provocative to the unions just when we are winning their goodwill etc. Unless we are very careful, the whole game will be played over again, with the more dove-like colleagues coming, totally confused, to a last-minute meeting in a year or so's time, ready to be manoeuvred into agreeing to do nothing.

The count-down for avoiding that starts now.

Similarly, contingency planning must start soon for the fairly likely eventuality that legal enforceability of the present Bill turns out to be difficult.



JOHN HOSKYNs



* I now understand the Minutes say "this year", so it's already riding.

Centre for Policy Studies

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The Rt. Hon. James Prior, M.P.
Secretary of State,
Department of Employment,
Caxton House,
Tothill Street,
London SW1

12th February 1980

Dear Secretary of State,

Below I list some suggested changes for the Employment Bill.

1. Ballots on strike action and election of officers should be obligatory.
2. In the case of Subsection 3(a) relating to industrial action should be worded by the Certification Officer.
3. Because of differences in the constitutional arrangements of trade unions, Subsection 3 (b) should refer specifically to the sovereign body or to the chief decision-making body of a trade union.
4. Subsection 3(b) should be amended to allow the use of public funds for postal votes only; all other ballots to be financed by the trade unions; this to be explained in the preamble.
5. Past experience suggests that codes of practice often produce undesirable side-effects, often involving complicated procedural problems, and for this reason may be more harmful than beneficial. It is therefore suggested that Section 2 Subsection 8 should be omitted from the Bill.
6. In Section 9 (contribution in respect of compensation), line 33 should be revised so that the words "or employee" are inserted between the words "the employer" and "may require the person".
7. In Section 6(3) - 58(1) delete lines 16-20, delete the words after the phrase "class of the employer", and substitute the words "if 80% of the workforce have already applied to join the trade union".
8. Section 14 (restrictions on legal liability), that section of the Bill should be deleted and replaced by a new section which would create an offence of unlawful picketing. An offence will be committed by any person who knowingly organises or participates in a picket or exhorts and incites or aids and abets any person to do so,
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in breach of the requirements for a lawful picket. There should be a maximum fine of £300 and 200 hours community service for a first offence and six months in prison for subsequent offence (i.e. an offence committed after conviction of an offence). Vehicles knowingly used for transporting persons for unlawful picketing should be liable to forfeiture. Conviction should count as an automatic five-year disqualification from any union office, from the right to organise or participate in pickets, and should provide grounds for fair dismissal from employment.

9. A trade union calling the official strike should be responsible for appointing a 'picket organiser'. A picket will be unlawful if:-
- a) No picket organiser has registered with the police and issued armbands.
 - b) The registered picket organiser is not eligible to organise a picket by virtue of being neither a local union official or employee at the premises with two years service, or by having been convicted of any criminal offences (except minor motoring offences) within the previous five years.
 - c) The authorised pickets or some of them are likewise disqualified by virtue of conviction.
 - d) There are more than six pickets at any one access point.
 - e) The pickets are not wearing armbands issued by the police.
 - f) Threats are uttered by any of the authorised pickets to non-strikers or any person is obstructed or forcibly detained or intimidated.
 - g) It occurs at premises other than those of the workplace at which the pickets worked prior to the dispute.
 - h) Any violence is used by any of the authorised pickets to any non-striker or if any offensive weapon is carried.
 - i) It concerns a dispute other than a trade dispute between those involved at the premises to be picketed.

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10. Any person who, not being a picket organiser or authorised picket, nevertheless joins a picket-line, poses as an authorised picket, or purports to picket, will commit an offence.
11. Any person attempting to intercept non-strikers on their way to work or participating in a demonstration concerning any dispute within 500 yards of any access point to the premises under picket will be deemed to be picketing.

With regards,

Yours sincerely,

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

SIR LEONARD NEAL

Dictated by Sir Leonard
Neal and signed in his
absence