

*End of*MR VEREKER

cc Mr Scholar ✓
Mr Mount
Mr Wolfson
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Mr Walters

PREVENTING STRIKES IN THE ESSENTIAL SERVICES

I apologise for not responding more quickly to your note of 3 March .

What you say about a requirement for an arsenal of weapons is surely correct. But have we identified the right target? Problems in essential services arise so far as the public are concerned because so many of these services are provided by monopoly suppliers, in which monopoly trade unions (many operating in closed shops) hold sway. Any initiative which does not tackle these two fundamentals - monopoly services and monopoly trade unions - will not lead to a lasting solution.

I believe that this failure is the real weakness of some of the proposals for a direct assault on the right to strike in essential services; both the (if I may use the word) unilateralist approach - the Government going it alone to ban by law such strikes - and the multilateralist - no strike agreement in exchange for guarantees about pay - are addressed to the problem of the essential services in their present shape and form. They are essentially defensive, short-term measures which do not necessarily pave the way to any radical changes in the structure of the relevant services.

Even as limited restrictive moves these approaches are, I believe, deficient. The legislative approach is I agree far from simple and uncertain. There is also the problem of definition: what is essential and to whom? One could specify named services and limit the terms of the Act to them, or one could adopt a formula which defined essential in terms of the effects industrial action would have: any worker who provided services to the community, the absence of which would endanger life, health or safety, would

be prohibited from striking. This would be more flexible and broader in scope.

The problems of enforceability and sanction would remain. No Government can overcome mass disobedience by tens of thousands of workers and there is no point in passing laws which cannot ultimately be enforced. Given its inglorious history the 1875 Conspiracy and Protection of Property/^{Act} does not provide a useful starting point. And the questions of who is prosecuting whom, on what grounds and to what ends - whether we are talking about civil or criminal actions, against unions or individuals, leading to fines, sequestration of funds or prison - can only be answered by changes in the law as it affects trade unions generally.

The alternative direct approach, that of securing no-strike agreements between management and workers is equally unpredictable. The quid pro quo for undertaking not to strike, which unions would undoubtedly demand, would be a guarantee about wages. Linking essential service pay to the RPI or even the TPI might look tempting with inflation at or below 5%, but such a linkage offers too great a hostage to fortune.

What I would prefer is a concerted but indirect approach to remove the fundamental obstacles. Such a package would comprise the following elements:


- (a) more vigorous pursuit of finding ways of breaking up monopoly services;
- (b) further pressure on the closed shop;
- (c) legislation to make all procedural agreements enforceable in law;
- (d) further legislation on trade union immunities generally.

It seems to me important that points (c) and (d) are not limited only to essential service. There is surely no difference in principle in an agreement broken in an essential service and one broken in any other sector of industry. Natural justice demands that both areas should be treated equally.

Placing the essential service unions in a special status category would give us the worst of all worlds: it could re-inforce their own awareness of their importance and potential power, while at the same time preserving the formal privileges of other unions.

I agree with what you, and Bernard, say about deterrence and discouraging strikes in essential services. Apart from the physical steps one can take to endure such strikes the importance of the propaganda battle and the education of public opinion cannot be understated. The water strike, incidentally, may cause us to be too complacent in some respects. The strike was not prosecuted by the unions with the utmost vigour: by and large they continued to provide emergency cover and they took aggressive action (mass picketing, occupation, sabotage) only in a limited number of cases. In addition, technical and managerial staff provided some cover for the strikers, and other unions did not go out of their way to extend solidarity with damaging action.

There is no escaping that the resolution of these difficulties in public/essential services is going to be a long haul with a variety of approaches required.



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