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Miners' Solidarity Fund)

Labour Research Department

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CONTENTS

Introduction	1
The case for coal	2
Redundancy and the miners	8
Ballots and democracy	11
Supporting the miners	13
The legal challenge to the miners	15
Coal stocks	19
The NCB strategy	20

Introduction

The miners are engaged in a fundamental fight — that for the right to work. This represents a challenge to the established values of the government and its supporters who are now determined to attack and weaken the union. Norman Tebbit, Secretary of State for Trade and Industry, speaking at a conservative fringe meeting on 9 October said that the pit strike could be “the last battle” in the attempt “to break the union shackles on Britain”. If the Tories were to succeed in their plans to defeat the NUM it would serve as the opening shot in a general attack on trade unionism.

Recognising this, the General Council of the TUC issued the following statement at its annual congress in September 1984:

The General Council condemn the NCB's efforts abetted by the government to run down the coal industry and affirm total support for the following:

- (i) support for the National Union of Mineworkers' objectives of saving pits, jobs and mining communities;
- (ii) a concerted campaign to raise money to alleviate hardship in the coalfields and to maintain the union financially;
- (iii) to make the dispute more effective by:
 - (a) not moving coal or coke, or oil substituted for coal or coke, across NUM official picket lines, or using such materials taken across NUM official picket lines;
 - (b) not using oil which is substituted for coal.

The NUM acknowledge that the practical implementation of these points will need detailed discussions with the General Council and agreement with unions who would be directly concerned.

The General Council call for a fresh commitment of all to an expanding coal industry.

The General Council call on the NCB to resume negotiations immediately with the NUM to resolve this damaging and costly dispute in line with the *Plan for Coal*.

The statement recognises that all trade unionists need to come together to support the NUM. If the strike continues into winter then in the coming weeks, members of other unions may be called upon to give new support to the miners. Support will be needed both financially and in preventing government attempts to weaken the strike through the movement of coal.

While almost every night the television screens beam pictures of picket line 'violence' this is a false picture of the dispute. As the booklet shows violence has played a very small part in the strike — the police arrest figures themselves confirm this. But the issue of violence is used to detract from the real issues of the strike — the loss of jobs and the threat to the pit communities and the industry. The limited violence which has taken place is a response to a concerted attack by government, the NCB and the police on miners and their communities.

In this short booklet LRD hopes to redress the balance and to present the real facts behind the sensationalist reports. The booklet argues that there is a case for coal and that the interest of the miners in their fight to defend their jobs is in the interest of all trade unionists. The booklet explains the background to the dispute, beginning with the victorious strikes of 1972 and 1974. It examines the redundancy scheme in detail and shows how it is no alternative to the fight to keep pits open.

A section looks at the legal attacks on the miners — the injunctions and the enormous number of arrests together with the new range of charges being used against them.

Finally the booklet deals with current coal stock figures and looks at possible government plans to move coal with the aid of the army.

To argue for support in workplaces all over the country trade unionists will need the facts about the dispute. LRD hopes that this short booklet will provide them.

The case for coal

Britain has massive coal reserves and it has millions of workers, without jobs. The 1974 *Plan for Coal* recognised that coal production should be planned for the benefit of the national economy.

Using coal to produce electricity costs only $\frac{2}{3}$ the price of oil: and is cheaper and less hazardous than nuclear power stations. Using UK coal reduces the need to import. New uses of coal could be developed, like Combined Heat and Power schemes which save wasted energy. Closed pits however mean coal lost for everyone.

The previous experience of running down the coal industry in the 1950s and 1960s turned out to be a disastrous mistake when oil prices rocketed in the 1970s.

Even in narrow financial terms, the picture presented of a heavily subsidised 'loss-making' industry is quite false.

The subsidies, according to energy minister Peter Walker, include £358m to cover 'operating losses'; interest payments of £467m; social costs of £344m; and £150m to redundant miners.

But the 'operating losses' of the coal board (NCB) cover items which are not costs of production, but would continue, or be even greater, if production ceased. They include £245m for subsidence damage, and £130m for payment of miners' pensions. The same is true of the 'social costs' covering special payments arising from pit closures, and redundancy payments to miners. Excluding these items, which are not costs of producing coal, the NCB made an operating profit in 1983/84.

The interest payments of £467m reflect the government's policy of financing the NCB by fixed rate loans rather than equity capital. £400m of the interest is paid to the government itself. This actually represents a return of 6.3% on the replacement value of the NCB's capital employed. This is well above the rate of return in private manufacturing industry in recent years. So this part of the 'subsidy' is mainly paid by the government to itself to give itself an inflated rate of profit.

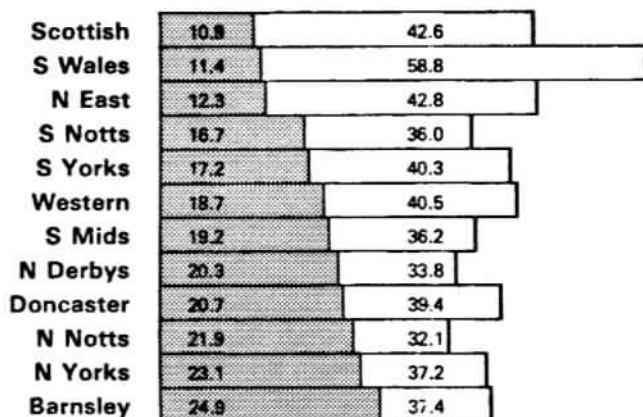
The NCB's use of narrow financial yardsticks however takes no account of the benefits to the economy as a whole of producing coal.

- The cost of 'subsidies' to the NCB is much less than the cost of making the miners unemployed. Closing the pits which the NCB says make most 'losses' would save the NCB's accounts £275m annually: but the government would lose £480m per year in redundancy payments, unemployment benefit and lost tax revenue¹.
- The cost to the nation's economy of the NCB's 'losses' of £275m on 'uneconomic' pits is much less than the cost of losing the £475m worth of coal produced by those pits¹.
- The NCB's figures for pits are based on allocating costs and revenues by an arbitrary central formula, not on any assessment of actual investment in, and financial returns from, individual pits.

¹ Calculated by Andrew Glyn in *Economic aspects of the coal industry dispute* (October 1984)

- Even on the NCB's figures, individual pits swing from being 'uneconomic' to being 'economic' from year to year.
- The NCB gives no evidence that pits 'lose' money because of geological problems. And they ignore the fact that the operating costs are much lower in areas where there has been higher investment, as the diagram below shows.

Investment per head (£000's) and operating costs £ per tonne by NCB area



(Source: *Labour Research*, September 1983: investment over 7 years, operating costs annual)

The NCB and the government argue that coal should only be produced where it can be sold at a profit, at international market prices. But there is no evidence that such a mythical 'perfect market' exists with a commodity like coal. Other coal producing countries in Europe give much greater subsidies to coal production than the British government. And the costs of producing a tonne of coal in Britain are lower than in other European countries.

Table 1: Coal production in major coal producing EEC countries:

Costs and subsidies (£ per tonne) (1982)

	Belgium	France	W. Germany	U.K.
Cost of coal production	61	45	47	41
Govt. aid to production	16.97	17.63	9.48	3.24

Source: *Report and Accounts, 1983/84; NUM Briefing notes*

The background to the strike

The present strike has been predicted and prepared for by the Tories for many years, since their defeats at the hands of the NUM 1972 and 74. Below are detailed some of the main events leading to the current dispute.

- 1978 Ridley report leaked (see box).
- 1979 In October a leaked cabinet minute states: "A nuclear power programme would have the advantage of removing a substantial proportion of electricity from disruption by industrial action of coal miners and transport workers". BSC announces its plans to increase imports of coking coal. David Howell (then Secretary of State for Energy) announces plans in December to construct one nuclear power station per year from 1982 for 10 years.
- 1981 Plans announced to close between 20 and 50 pits. NUM executive recommend all-out strike to oppose closures. Strike begins in Wales, Kent, Scotland and pits in Staffs and Durham. Other areas due to come out on 23 February. Government back down and withdraw closure threats, conceding relaxed financial constraints on NCB, and reducing coal imports. Redundancy payments for miners improved.
- 1982 NCB documents revealed by NUM showing 76 pits as 'short life' and planning reduction in workforces of 70,000 over 4 years.
- 1983 Norman Siddall (then chairman of the NCB) concedes that 65,000 jobs would need to be lost for coal industry to break even by 1987/88. Ian MacGregor starts as new chairman of NCB and strike begins at Monktonhall pit, Scotland, against cuts in workforce. One day strikes in Scottish pits in support of Monktonhall and national overtime ban over pay follow in October.
- 1984 Area strikes over job losses begin in Yorkshire and Scotland, and the government announces new redundancy payments for miners.

The Ridley report

On 27 May 1978, the *Economist* printed details of a Tory policy group report drafted by Nicholas Ridley MP. It discussed the setting up of strict financial targets for nationalised industries and their preparation for piecemeal privatisation.

In an annexe it suggested that there were likely to be challenges from unions over wages or redundancies. Having also suggested that the battle should be fought on ground chosen by the Tories, it pinpointed the coal industry as being the most likely battlefield. In order to prepare for this it suggested that a future Tory government should:

- build up coal stocks, particularly at power stations;
- make contingency plans for the import of coal;
- encourage hauliers to recruit non-union drivers;
- introduce dual coal/oil firing in all power stations;
- establish a large, mobile squad of police to deal with picketing;
- cut off the money supply to strikers and make the union finance them.

Miners' pay and conditions

It is often claimed that miners are the highest paid manual workers in Britain. The Department of Employment's *New Earnings Survey 1983*² supports this view, showing faceworkers at the top of the manual occupations earnings league every year. But:

- the comparison is between faceworkers and other manual workers only;
- miners' earnings depend heavily on the incentive scheme — basic rates are nowhere near the top of the league;
- the miners' agreement is one of the last major agreements with basic weekly hours of 40.

Although faceworkers' weekly earnings of £192.90 were £5.90 above the next highest paid occupation in April 1983, they were earning £2 per week less than the average non manual wage.

Surface workers in the NCB earned an average of £159.50 in 1983. Although this was £15.90 higher than the average for all male manual workers, earnings were boosted by overtime as much as underground workers relied on the bonus scheme to maintain their high level.

When overtime and bonus payments are deducted, the average basic for the surface worker is actually below average for all manual males, while the underground worker is only 20% above the average.

The miners' lowest basic rate (£94.10) is currently No. 116 in LRD's league of 295 rates. Even with the 5.2% increase offered on a settlement to last year's wage negotiations it would be 80 in the league at £98.94.

Annual basic hours worked by miners are also high — 1800 hours/year, well down the LRD league at No. 359 (out of 565). By comparison average basic hours in the engineering industry are 1771 pa and 1702 hours pa in electricity supply

Table 2: Breakdown of average earnings in mining and all industries

	basic £	gross £	as % of gross pay		
			O/T %	bonus etc %	shift %
male non manual	181.90	194.90	3.1	2.8	0.8
male manual	109.10	143.60	12.6	7.9	3.5
NCB underground workers ¹	130.50	188.60	9.4	19.5	1.9
NCB surface workers (manual)	108.00	159.50	18.4	10.7	3.1

Source: NES April 1983, tables 2.4 and 5

Note: 1 this category is wider than the trained faceworker occupation

2 The miners have been excluded from the *New Earnings Survey 1984* (just published) since the 1983 pay negotiations have not been finalised.

The costs of the dispute

The dispute has been enormously costly to the country. One recent estimate by an economist puts the figure at £3,300 million in loss of output to the economy after 6 months of the strike (Glyn, *Economic Aspects*).

- The NCB states that 52m tonnes of coal have been lost, worth about £2,300m.
- Other industries, such as electricity, railways, steel and mining equipment manufacturers have lost revenue or paid higher costs: these probably total another £1,000m.
- The government estimates that the dispute reduced Gross Domestic Product by ½% in the first 3 months of the year, 1¼% in the next three months (and implicitly a further 1¼% in the following 3 months) (*Economic Trends* August 1984).
- The cost of £3,300m is over 9 times as great as the annual subsidy to the NCB's operating costs.

The main burden of these costs has fallen on the government, and thus on all of us, mainly through the losses to the nationalised industries, loss of tax income from miners' wages and extra police spending. These costs totalled about £1,900m after 6 months of the strike: which Nigel Lawson described as "a worthwhile investment for the good of the nation" (*Hansard*, 31 July 1984).

- The NCB is losing an extra £20m a week by the dispute, and the electricity industry is also losing £20m per week because of the greater expense of burning oil.
- The total cost to the government (£1,900m) is nearly 3 times as great as the total capital spending of the NCB in 1983/84.

A Kent miner's daughter on a May Day march with a message which needs no caption.



Redundancy and the miners

Redundancy in the UK

LRD estimates that between July 1979 and March 1984 4.2 million workers were sacked on the grounds of redundancy. The miners have borne their share of this with some 48,000 jobs lost from the coal mining industry in that period.

Although there have been notable small fights against such wholesale job loss (e.g. **Gardners, Lee Jeans**) to date they have been isolated local disputes. The miners are providing an example of basic union principles, an example which other employers would rather that their workers didn't learn. The reasons for this are clear. In 1983 the profits of the top 35 manufacturing companies in the UK rose 42.3%, while UK employment levels in the top 50 UK multinationals were down 9%. For those employers, troublefree redundancies can be good business — they can save the equivalent of 63 weeks pay per year for the shedding of every job. In an attempt to isolate the miners from other workers, much has been made of the redundancy terms offered to them and the so-called voluntary nature of these redundancies.

Mineworkers Redundancy Scheme

This scheme is provided under the *Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1984*. This is the latest in a series of increases to the payments available to miners, and was pushed through parliament on 29 March 1984 in a blatant (and abortive) attempt to buy the miners' compliance with the current batch of redundancies. Unlike most other redundancy schemes, it is funded by the government, and therefore makes a mockery of their claims of non-interference in the running of the coal industry.

It is often claimed that this scheme is the most generous in existence, a claim which has little basis in fact. The scheme provides £1,000 per year of service to miners with over 2 years service. While this is well in excess of the statutory minimum provisions, a recent LRD survey has shown that other schemes make payments of similar scale — for example the **Mersey Docks and Harbour company**, as long ago as May 1982, were paying £1,300 per year of service plus a £3,000 lump sum, and **Michael Edwards** after 6 months at **ICL** was paid off with a £½m settlement.

If redundancy payments were to be any sort of adequate compensation at all they would need to be generous indeed. Almost 40% of those officially unemployed have been out of work for over a year, and over 12% (376,273 as at 12 July 1984) out of work for over 3

years. With unemployment in some mining areas now in excess of 20% (e.g. Bishop Auckland 20.8%, Sunderland 21%, Hartlepool 23.9%) miners' chances of finding alternative work must be severely limited.

The notion of 'no compulsory redundancies' is also questionable. In his letter to miners in June 1984 MacGregor assured them that "We will end up ... with about the same production plans as those we discussed with your representatives of 6 March ...". At that same meeting, he had repeatedly refused to guarantee no compulsory redundancies for the following 12 months.

The NCB's offer of relocation already taken up by some miners has not provided the safe employment promised: **Geordie Fowler** (Polmaise NUM) spoke of miners who had been "moved from pit to pit till they think they're going round in circles". **Ivan Hunter** (ex NUM secretary at the closed **Elsecar Main** pit): "Since ex-Elsecar electricians are travelling over 200 miles every five-day week ... some ... who had been top paid coal face craftsmen are now working on coal-prep plants ... for less money and longer hours". **Angela Mckie** "My husband worked in the first Scottish pit to be closed, **Bedlay** in Lanarkshire. At that time there were promises of transfers to secure jobs in 'long term pits', but alas the 'long-term pit' he was transferred to lasted only a further eighteen months. I would question the NCB's idea of 'long-term'." One of the pits where the present strike began, **Cortonwood**, had just previously been 'guaranteed' five years production, but instead those transferring from other closing pits found themselves with just five weeks notice of closure.

Experiences like this have taught miners that jobs, once sold, are lost forever, and that giving in to redundancies does nothing to enhance the job security of those remaining.

The cost to communities

The NCB's closure plans have a devastating impact on employment. 20,000 mining jobs were lost in 1983/84. In March 1984, the NCB said it wanted to cut at least another 20,000 jobs in 1984/85. Their strategy could mean as many as 70,000 jobs lost in the mines in the next four years, and 100,000 over the next 9 years — virtually halving the workforce. Other jobs are also lost as a result of the cut in production and demand — about 9 jobs for every 10 miners' jobs cut. And there is no alternative work available or planned in areas where jobs are lost.

- Mining areas are heavily dependent on the industry for jobs. In **Barnsley**, for example, a quarter of all jobs are in mining, and thousands of other jobs depend on the mining industry.
- In places where pits have already closed, like the **Rhondda Valley**, communities die as shops close, people are forced to leave, and services like schools and buses are run down.

Who needs British coalmining

It is well known that the newspapers on Fleet Street are hostile to trade unions. Their hostility to the NUM therefore comes as no surprise, nor does their lack of interest in a future for the coal industry since five of the multinational companies which own most of Fleet Street also have substantial interests in energy sources which compete with British coal:

Table 3

Company	Newspaper	Circulation	Energy interests of (parent) company
Associated Newspaper Holdings	<i>Daily Mail</i>	1,800,783	North Sea oil and gas
	<i>Mail on Sunday</i>	1,584,707	
Fleet Holdings	<i>Daily Express</i>	1,981,675	Oil and gas; offshore oil structure; oil shipping
	<i>Sunday Express</i>	2,602,933	
	<i>Daily Star</i>	1,370,942	
News International	<i>The Sun</i>	4,186,907	Oil and gas in Australia
	<i>The Times</i>	381,075	
	<i>The Sunday Times</i>	1,133,337	
	<i>News of the World</i>	4,280,713	
S. Pearson and Son	<i>Financial Times</i>	216,400	Oil and gas; nuclear power station
Lonhro	<i>The Observer</i>	773,883	Anthracite and coal mining in South Africa

Associated Newspaper Holdings

Through its subsidiary **Blackfriars Oil Co.**, North Sea oil and gas provided the largest single source of earnings in 1983, and the company continues to invest heavily in this activity.

Fleet Holdings

In February 1982, Trafalgar House launched Fleet Holdings as an independent company, well almost independent. In 1982 Trafalgar House embarked on a programme to expand into oil and gas. In addition the company has steel fabrication subsidiaries, eg **Cleveland Bridge & Engineering** which build offshore oil structures. Finally, shipping is an important part of the company's business, with oil as one of the cargoes carried.

News International

Part of the Murdoch empire which originates in Australia. Murdoch first became involved in oil and gas in 1980, through a stake in **Santos**, a South Australian oil and gas producer. In 1981 he went into oil exploration, winning substantial exploration rights to the Bass Strait, which separates Victoria and Tasmania.

S. Pearson & Son

Have 5 subsidiary companies involved in the development of oil and gas resources. Their engineering company **Fairway**, produced installed machined graphite for the Haysham 11 and Torness nuclear power stations.

Lonhro

Amongst its vast empire is a South African subsidiary, **Duiker Exploration** which mines anthracite and coal



Ballots and democracy

Much has been made by politicians and the press of the absence of a national ballot of miners over the strike issue. For some this has offered an easy way to avoid supporting the miners. It is interesting to note that such faith in the sanctity of the national ballot was not shown in 1978. Then a ballot supported the earlier delegate conference decision to reject pit productivity schemes. The majority of NUM members realised that the productivity scheme would serve to put pit against pit. Despite the vote rejecting productivity, discussion on area schemes began in 1978 with South Derbyshire leading the way. There was no uproar in the press on that occasion.

Since the present strike began, many outside of the NUM have criticised the manner of application of the union's rules. While this is clearly the exclusive prerogative of the union members themselves, we set out below some factors clarifying the position with regard to the union's rules.

The stoppage began in March 1984 when the Yorkshire and Scotland area executives gave authority to strikes in opposition to pit closures. This authority is vested in the area executives by rule 41 of the NUM rule book. The subsequent support given to the areas by the National Executive was endorsed by a special delegates' conference on 19 April, whose decision, according to rule 30, is final. The conference also voted by a majority of 69 votes to 54, to make the dispute an official stoppage, co-ordinated nationally. It is difficult to see how they could have done otherwise, when at least 80% of the miners were already out on strike.

Three months later that policy was reiterated by a further conference held on 11 and 12 July.

Many attempts have been made to discredit such conference decisions as being unrepresentative. The first of these was made by the Sun in January 1984 during the national overtime ban, when they printed a 'ballot form' for miners to fill in and return to the paper, giving a yes or no answer to the question "Do you wish to continue with the Mineworkers' Union ban on overtime?" The results of this 'ballot' were never published.

Since then, however, three opinion polls have been published during the strike, and they show that the majority of miners questioned support the conference decisions.

Table 4: opinion polls

Date of poll	Commissioned by	Carried out by	% in favour of continued strike	% against ballot
7,8 July 1984	ITN Channel 4 News	Harris Research Centre	61%	- ¹
11-13 September 1984 ²	BBC Panorama	MORI	68%	56%
27,28 September 1984	Sunday Express	Marplan	63%	57%

Notes: 1 Not asked. 2 Derbyshire miners only

Supporting the miners

While the press seek to portray the dispute as immensely unpopular, the wide range of support shown for those on strike suggests otherwise. The examples we give below are merely illustrations of the many ways in which people have demonstrated their backing, and represent only a tiny proportion of the many acts of support which have occurred.

Women's groups

Probably the most significant support has come from the women's committees which have sprung up in the mining areas. These groups, consisting of NUM members, wives of miners and other supporters have not restricted themselves to fundraising and feeding miners and their families. They have seen the importance of providing physical support and have taken part in picketing and demonstrations up and down the country. In some cases, (such as the **South Notts. Women's Action Group**) this support has been provided in the face of hate mail and threatening 'phone calls' from those who are strike-breaking.

Industrial action

Many workers have already demonstrated their support for the miners by taking industrial action, even before the TUC declared its backing in September.

In the forefront have been the members of the transport unions — by 17 September **ASLEF** reported that 1384 claims had been received from members sent home by BR for boycotting oil, coal or iron ore. At least 130 **NUR** members have suffered similar penalties. **T&GWU** members in the docks at **Hunterston** and **Immingham** have also been boycotting coal and iron ore imports — action which led to the two national dock strikes earlier this year.

Print workers have also been active, with the latest example being the stoppage by **NGA**, **SOGAT '82** and **EETPU** chapels at the 'Sun' which commenced on 29 September when management refused to print a disclaimer from unions regarding a front page editorial describing miners as the 'scum of the earth'. Other, co-ordinated action took place in a series of days of action organised by regional TUCs which brought sympathy stoppages at shipyards, railways, engineering factories, hospitals, local government departments and printing works.

Financial support

Money to help the miners has come from a huge variety of sources from national unions to the NUM Artists Support Group.

Adoption

Many groups have chosen to adopt a pit and make regular visits to the community and to take donations of food and money. In order to consolidate and widen the support some of these groups have ensured that different people (particularly those expressing doubts) make the journey on each occasion.

Arrangements such as these have been made by a wide variety of organisations: **trades councils** like Didcot (adopted Maerdy pit), workplaces like **Ford, Halewood** (adopted Marsham pit), political parties like **Sheffield Central Labour Party** (Cortonwood pit) **community groups** like the Asian one in Southall (Betteshanger pit). Support groups have been formed all over the country, not only in mining areas but places such as Brent, Bristol and St Albans. These groups have been instrumental in maintaining a steady flow of much-needed supplies of food and money. The **Glasgow group**, for example, were reported as taking £2,500 in street collections every Saturday.

Unions

Funds have been donated by unions, both nationally and locally. In July, *Labour Research* published a list of 25 unions who had made donations nationally, since when many more (for example **NUJ, NIPSA, NATFHE, ACTT, AUT**) have done so, while others (such as **NUS** and **COHSE**) have increased their donations. The NUS are also establishing a weekly levy of up to 50p a week on their members, while **SOGAT '82** London Central Branch are levying themselves £1 per week. Funds and food have poured from hosts of union branches throughout the country, and regular collections take place in a wide variety of workplaces from **Rolls Royce, East Kilbride** to **Daneforth School, East London**. Workers at **Manchester Piccadilly** station have ensured that a permanent collection box is placed near the wages office.

Councils

Many councils in mining areas have stepped in to provide food, services, and funds to alleviate the hardship experienced by those on strike and their families. The scale of these provisions can be substantial: **Doncaster MBC** for example estimate that their measures have cost £800,000. Other councils giving assistance have

included **St Helens, Edinburgh, Glasgow, S Yorkshire and Tyne and Wear.**

Individuals

The NUM have received countless contributions from members of the public, some of them substantial and others showing fantastic commitment — one man walked into NUM headquarters and handed over his unopened pay packet containing £71, and there are many examples of unemployed workers donating the full value of their giros.

The more fortunate have not forgotten the miners either, and the support of performers such as **Sade, UB40, Wham!, Flying Pickets** and **Van Morrison** who have given of both time and money has been heartening to see.

The legal challenge to the miners

In the pits and in the courts the NCB has tended to rely on the action of dissident NUM members to attempt to break the strike.

Injunctions have been sought and obtained against Lancashire, Yorkshire, Durham, Staffordshire, Nottinghamshire and Derbyshire areas. Most recently the national union itself and its president have been fined £200,000 and £1,000 respectively for insisting that the strike is official. In every case judges have responded readily to requests to limit the miners' right to strike by ruling that:

- the strike is unofficial;
- the NUM has no power to discipline its members;
- the NUM cannot enact its own rules;
- the NUM cannot call on its members not to cross picket lines.

In reaching these decisions the judges have ignored the wishes of delegate conferences, representative of the vast majority of miners. They have responded to the wishes of maverick members aided and abetted by leading industrialists who have provided the financial backing for their legal actions against the union. They include **Taylor Woodrow** with its interests in open cast mining and **United Biscuits** whose chairman Sir Hector Laing, in the 1983 company annual report, says *"we have provided for the costs of closure amounting to £32.2m after tax relief... These costs are very large but they should be seen in the context of savings of over £10m a year"*.

These same industrialists, responsible for the sackings and redundan-

cies of the last decade now argue that they are defending the miners' right to work!

Interestingly enough the *Employment Acts*, introduced by the Tories to deal with strikes like the current one, have not been invoked. With the exception of the action taken by the Road Haulage companies against the **South Wales NUM**, leading to the sequestration of the area funds, the NCB and the government have concentrated on the criminalisation of the dispute through the arrests of striking miners.

Miners in court

The impression conveyed by the media is that of violence and intimidation on an unprecedented scale, with the blame being laid entirely on striking miners. In reality the situation is somewhat different. Less than 10% of all those arrested have been charged with assault or related offences. The vast majority of those arrested have been charged with minor offences like breach of the peace and obstruction. At the end of May 80% of all arrests were covered by these minor charges. Figures up to the end of September indicate that there have been changes in the charges laid against the miners. The breach of the peace and obstruction charges now account for only 66% of all charges but the change has occurred not because of an increase in charges connected with violence (still under 10%) but in an increase in serious charges like conspiracy, riot and unlawful assembly (see box). These have risen from 2% of all charges at end of May to 12% at end of September. Lawyers acting for the miners also report that the police frequently make an initial serious charge and then add a less serious charge when the case comes to trial. Magistrates faced with two charges will often opt for the lesser and find the miner guilty. Using this method the police have to provide little or no evidence to back up their case.

By 2 October there had been 7,149 arrests although only 6,020 of those arrested were eventually charged. 1,129 people have therefore been arrested, held in police custody and then released without charge. This has led many to believe that the arrests have been used to intimidate miners against whom no criminal charges can be laid.

The sentences

In general magistrates have been willing to accept police evidence without question. The evidence of bias has been so apparent that two constituency Labour parties — **St Helens North** and **South** have taken the unprecedented step of instructing their members who are magistrates to resign from the bench. They say that no local Labour magistrates have been selected to sit in courts where miners will appear.

1,953 cases have now come to trial and 382 miners (20%) have been

acquitted. Project this acquittal figure over all charges and add it to the figure for arrests without charge and more than 30% of all arrests have been totally unjustified even within the courts' own criteria.

39 miners have already been sentenced to imprisonment, the longest sentence being 9 months. Nearly 1,000 miners have been fined. The greatest number have been given fines between £75-£150. More than 70 miners have been fined over £200.

Reports suggest that fines vary depending on the court location — average fines in south Wales are £30 for a breach of the peace offence with the opportunity to defer payment until after the dispute. In northern England the same offence might merit a fine of £170 with no opportunity to defer.

179 of those dealt with in the courts have been given a conditional or absolute discharge and 556 are bound over to keep the peace. These are indications of how slight the charges against them have been.

Bail conditions

More than 4,000 miners are currently on bail. The vast majority (more than 80%) have had bail conditions imposed which effectively debar them from taking further part in the dispute. Lawyers report a total disregard of bail policy by the courts. Ms Susan Gregson-Murray, a solicitor representing South Yorkshire miners wrote in a letter to *The Times* on 30 June that standard bail forms have been produced and stapled to defendants' papers even before the magistrates have announced their decision. These bail practices, including the imposition of virtual house arrest were challenged in the High Court. On 12 October the court gave its decision. Although deploring the impression of 'conveyor belt' justice the judges said it was sufficient for magistrates using police evidence and their knowledge of events at local collieries to impose whatever bail conditions were considered necessary.

Until recently conspiracy charges, under the *Conspiracy and Protection of Property Act 1875*, were hardly heard of although in a case in Scotland in 1983 (*Galt v Philip & others*) the judge ruled that striking ASTMS members were guilty of "besetting" (an offence under the 1875 Act) when taking part in a sit in. It is this "besetting" charge which has been used more frequently in the miners' strike in recent months. 225 miners had been charged with this offence up to the end of September.

The charge carries with it the possibility of a fine or a term of imprisonment of up to 3 months.

Other more recently invoked charges of unlawful assembly riot and affray are judge made charges developed from the 'common law'. All of these are much more serious than the early charges of breach of the peace and obstruction and suggest a determination by the police and the courts to frighten the miners back to work.

Financing the dispute

Striking miners have no right to state benefits under the *Social Security Act 1975* although they do have the right to claim benefits for their dependants. The *Social Security Act 1980* further limits these rights by deeming that strikers are in receipt of £15 a week in union strike pay. The miners are not receiving strike pay but nevertheless suffer the deduction. A married striking miner with a dependant wife and 2 children under 10 years and no other income except for child benefit of £6.50 for each child would therefore have an entitlement to supplementary benefit of only £11.75 a week plus housing costs.

Not content with this form of harassment instructions have been issued by the DHSS to supplementary benefit offices to delay the payment of benefits. In the first 11 weeks of the strike pregnant wives of miners were denied grants for baby clothes and basic equipment. DHSS officers have also been instructed not to visit striking miners to deal with their urgent need claims. Indeed until the beginning of October, when public outcry forced the reversal of the ruling, families of striking miners had been deprived of grants to pay for funerals.

Single strikers fare even worse. They have no entitlement to benefit whatsoever unless there is a serious risk to their health.

One notable victory has been in respect of **Family Income Supplement (FIS)** — the addition payable to low wage earners. A striking miner's wife succeeded in her FIS claim based on her income from a part time job. DHSS had initially argued that the earnings to be taken account of were those of her husband prior to October 1983 but an appeal tribunal rejected this argument. This means that many miners whose wives work may now have an entitlement to FIS.

Tax refunds

Striking miners are entitled to tax refunds totalling £6.8m based on their earnings in the 1983-4 tax year. But under s.29 of the *Finance Act 1981* this overpaid tax is being held by the NCB as an interest free loan until the dispute is over. These refunds would have amounted to as much as £64.50 for every married striker and £41.10 for the single striker.

Holiday pay

Striking miners have also been denied their holiday pay entitlement because of an NCB ruling that miners must return to work a full week before receiving holiday pay. While this blatant inducement to miners to break the strike has had little effect the miners have been denied an estimated £120 each.

Coal stocks

The government is haunted by the memory of the strikes of 1972 and 1974 when declining coal stocks at power stations produced power cuts, the 3-day week and finally victory for the miners.

This time the electricity boards have been helped by record coal stocks and the fact that the first months of the strike were in the spring and summer, when the warmer weather always reduces the demand for coal. They have also used their big oil-fired power stations flat-out in an attempt to eke out the coal supplies at power stations. However the figures show that this strategy cannot be successful in the long run and coal stocks look set to run out by the end of the year.

The official statistics³ show that production from pits still working is running at about 400,000 tonnes a week. To this must be added: imports (about 150,000 tonnes); coal from the run down of stocks at pits still working (also about 150,000 tonnes) and 100,000 tonnes of coal moved from open cast sites (two thirds of the open cast coal produced is not being moved in solidarity with the miners). This total of about 800,000 tonnes a week has to be divided between the power stations, the steel industry and other industrial and domestic consumers. An optimistic assumption (from the government's point of view) is that the power stations will get half.

Even with oil-fired and nuclear power stations working flat out, this is not enough to meet the electricity boards' increasing demand for coal as the weather gets colder. Weekly coal consumption by the generating boards is set to rise from 800,000 tonnes a week in September to 1,350,000 tonnes a week in December. This means that coal stocks at power stations will have fallen below the critical 6m tonnes level by the end of November and are set to run out completely by the end of the year.

Much before this the government is likely to want to move the 22m tonnes of stocks held at the pits and open cast sites. This would be a major undertaking. By December 50,000 lorry loads a week would be needed to make up the shortfall. Widespread solidarity action in oil fired power stations, in line with TUC policy, could result in the crunch coming sooner. But by November or December much of the outcome of the dispute could depend on whether other trade unionists are willing to transport or use coal from pits where miners are on strike.

³ *Energy Trends* published monthly by the Department of Energy

Will the army be called in?

If the strike continues into November then the government will be under increasing pressure to use troops to move coal stocks. The *Emergency Powers Act 1920* allows the Crown to proclaim a national emergency and to call on military aid "where the supply and distribution of the essentials of life are extensively threatened". The Act can suspend practically all our civil liberties. It was first used in 1921 against the miners whose strike ended in a defeat on 'Black Friday'. In the 1926 General Strike the Act was in force for 8 months even though the strike itself lasted for only 9 days. Since 1945 there have been 11 proclamations of emergency, 5 since 1970. Once an emergency is proclaimed regulations can be made for example, to requisition vehicles. If the government does decide that the movement of coal would be best facilitated by the use of the army then November might well see the commencement of their operations as strike breakers.

The NCB strategy

Since the very beginning of the dispute the NCB, and MacGregor in particular, have had a strategy based on one simple assumption — that the strike had no real support and there would quickly be a return to work.

MacGregor's dilemma was that he wanted to see a quick return to work but only in the context of a total defeat for the NUM. Days after his first personal letter to the miners urging their return to work he spoke at a private meeting of a group of directors in North Derbyshire on 27 June and reportedly said he wanted to see the leadership of the NUM defeated rather than see a quick solution to the strike. (*The Guardian* 28 June 1984). This attack on the union itself has continued, with the threat in July to end the traditional 100% membership arrangements.

MacGregor too said that the strike would break most quickly in its Yorkshire heartland. Even using the NCB's own figures the return to work hasn't materialised. Latest figures to 2 October show that more than 70% (125 out of 174) pits are producing no coal. For the week commencing 8 October the Coal Board's figures for return to work, (which are anyway disputed by the NUM) show only 71 miners working in Yorkshire — out of a total of 53,000 (0.001%).

But the Board's most inept tactic to date must be the action against the pit deputies. On August 15 new guidelines were drawn up instructing NACODS members to break NUM picket lines in buses and car convoys escorted by police. 3,000 who refused were taken off the payroll. The resultant massive majority in the ballot on strike action at the end of September may turn out to be the NCB's biggest blunder yet.

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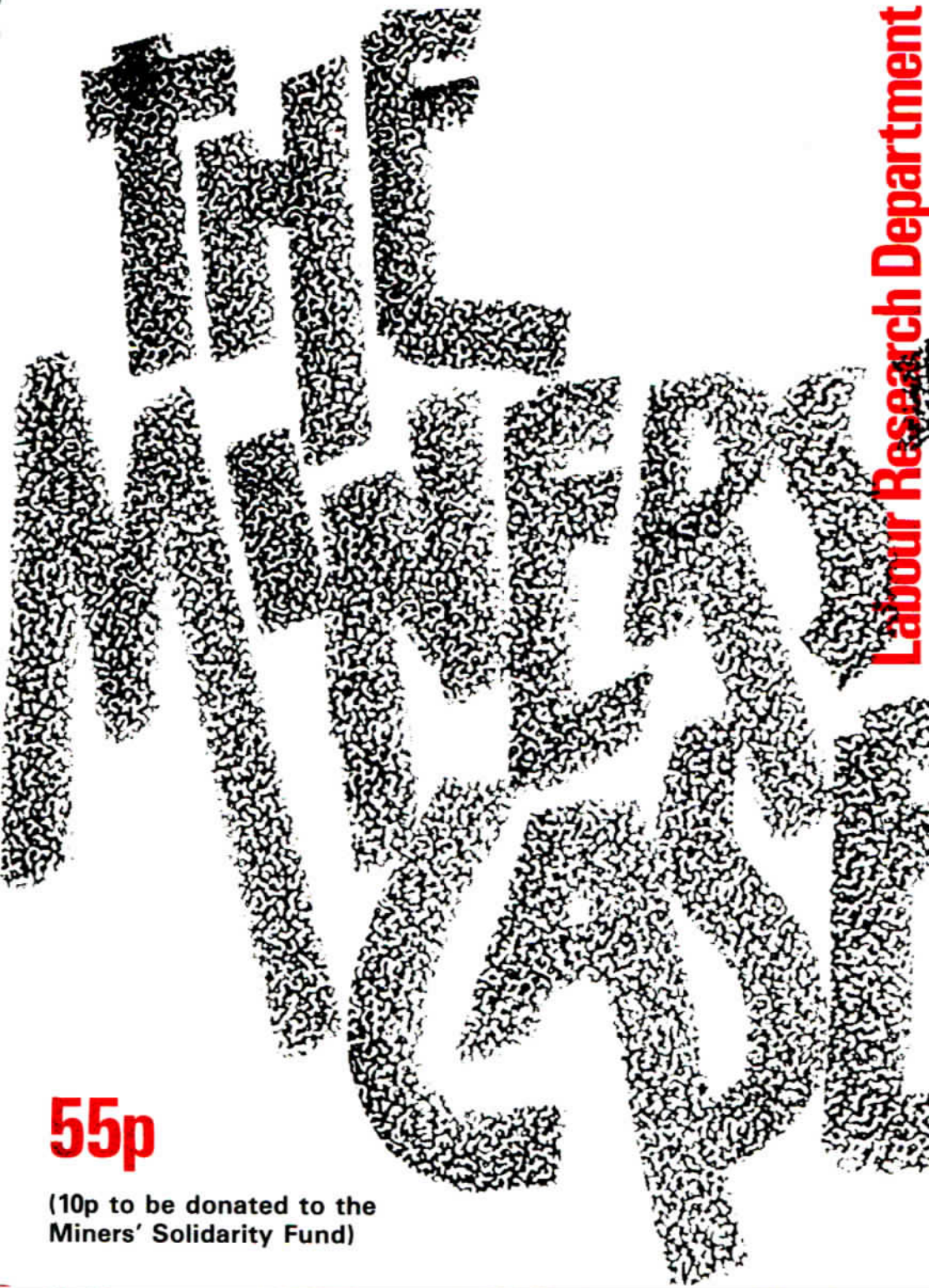
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55p

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