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AMERICAN TRADE UNIONS AND SOME EXPERIENCES
WITH VARIOUS GOVERNMENT AGENCIES

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中華民國三十一年五月三十一日

總司令部勞働教育叢書第八輯

勞働組合と政府機關

勞働民主協會刊行

總司令部勞働教育叢書刊行に際して

本協會は現下熾烈なる勞働運動の展開せらるゝ時に當り、産業界の中堅として民主的の日本再建に努力しつゝある勞働大衆に本叢書を送らんとするものである。

最近頃に活潑化せんとしつゝある勞働運動は民主的勞働組合に基く健全にして、日本産業再建の爲の運動でなければならぬ。凡ゆる面に於て立廻れたる我國勞働運動の正しき發展、成長の爲本協會は總司令部の許可を得て茲に司令部の意とする勞働教育活動を大衆に紹介するの機会を得た。本叢書が日本独自の勞働組合運動の爲、参考となり指針となれば吾等の幸ひ之に過ぐるものはなし。

尙本協會は別記の趣旨に基き既に独自の立場を以つて活動を開始した。常に讀者及總司令部勞働課と連絡を保ちつゝ諸氏の便宜を計らんを努力して居る。本會の趣旨に賛同する者は吾々に意見と希望を述べ、直ちに連絡せられんことを切望する。

勞働民主協會

第八輯 勞働組合と政府機關

總司令部經濟科學局勞働課

教育主任 R・L・G・デヴラル 著

會員 岡田寛美 譯

勞働民主協會刊行

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一般原則

アメリカの政治組織は、人民が主權者であること、政府は、人民の作つたものであるという觀念の上にならされて置かれている。この故に、アメリカの政府は、人民の人民のための人民による政府であるといはれてゐる。

人民の政府とは、政府の官吏が、上は指導の地位にある上級幹部から、下は一般書記に至るまで、其の總べてが、人民の總ゆる階級の出である理由に基づく。アメリカでは、どんな人間の集りと雖も、それが政府の職務を獨占することは許されておらず、また、どんな階級と雖も、それが政府の役人の任免を左右するようなことはないのである。

人民のための政府とは、政府の行う總ゆる業務の目的とするところが、つねに總べての人民のために、その一般の福祉を増進し、平和と安寧の秩序を確保することにあるとの故にである。時とすると、政府が、特別の社會團體、若しくは經濟團體に對して特別の仕事と與える權限を許されている場合もあるが、それと雖も、其の目的とするところは、アメリカ國民全體としてその共通の幸福を追求するにあるのである。

人民による政府とは、どんな人でも、彼がアメリカ市民であり、一定の基礎的條件に適う者であれば、どんな政治的地位にでもつき得る権利をもつていと云うことである。如何なる人と雖も、どんな政治上の地位にでも立候補することが出来、また如何なる人と雖もどんな行政上、或は司法上の役職にでも就く希望をもつことができるのである。この故にアメリカ合衆國の人民の政府には、總ゆる人種、總ゆる宗教、總ゆる政治團體に屬する人、また、社交界や經濟界の總ゆる階級の人々が加はつてゐるのである。

行政機關

アメリカ合衆國の政府は、總括的に云つて、三つの分野に於て、其の機能を営むものである。即ち、其の最高機關として、ワシントンには中央政府があるが、これは、行政部、立法部、司法部の三大部門に岐れている。

次にアメリカの各州にはそれぞれ、各方面に亘つて廣い主權を有する州政府があり、これも亦、中央政府のそれと同一の行き方に於ける機能を営んでゐる。さらに各市町村にはそれぞれの地方の特質によつて、其のとする型態に多少の相異はあるが、ほと、中央政

府のそれと同じ機能を以て活動する地方政府が存在するのである。

アメリカの勞働組合は、右に述べた政府の三つの部門と直接の關係をもつものである。勞働法施行の下に於ては、組合は、それぞれの地方裁判所に事件の告訴を提起するであらう。そして、若しその事件がそれぞれの現地で解決が出来なければ、聯邦最高法廷にまで持ち出されるのである。即ち、このことは、事件の最後の判決を求めるために組合が最高司法部にまで、事件を提訴することになるわけである。

これと同様に、組合が、或る勞働保護法の施行を希望するか、立案中乃至は現行中の法規の或る條項に反對の意見を表明する場合もあるであらう。この場合、組合は聯邦議會の上院議員 (Senator) 若しくは下院議員 (Representatives) に自分達の意見をきつく説明し、その尻を叩いて、政府の立法部と直接渡り合うこととなるのである。

さらに聯邦政府の行政部 (Administrative Branch) 即ち執行機關 (Executive Department) についても同じ様に、組合は、大統領の顧問たちに關係をつけるのみならず、さらに勞働省 (Department of Labor) 財務省 (Department of the Treasury) 商務省 (Department of Commerce) 逓信省 (Post Office Department) 國務省 (State Department)。

其の他聯邦政府の各行政部等々の執行機關と連絡をつけるのである。

ことに興味のあることは、アメリカに於ける殆んど總べての全國組合がワシントンに法律代表 (Legislative representative) と云はれる特別の代表を駐在させておくことである。この代表は、A.F.L.、或はC.I.O.の最高首脳部と同じ場所に事務所を設け、その仕事は議會並びに執行部、行政諸機關等に對し組合の意見を陳べることにある。さらにそれは特殊な労働組合の労働者に深い関係をもつ事件を取扱う機關を常時監督すべき任務を併せもつてゐる。このことにより、この組合の法律代表は、上下兩院及行政機關の行動につき、自分達の組合員宛に度々レポートを送附するのである。さらに、政府の行政機關の中には、労働問題を専門に取扱う、局とか理事會が、數多く存在してゐる。例へば社會保障局 (Social Security Branch) 労働關係局 (National Labor Relations Board) 等がこれである。此等の理事會や局、部の多くは、すべて法律に關する諸問題を取扱うことを任務としてゐるのである。この故に、全國組合は、その法律代表を通じ全國労働組合總同盟 (A.F.L.)、全國産業別組合會議 (C.I.O.) 及鐵道友愛會辯護士等と密接な關係を保ちつゝ相互に協同して右に述べた特別機關との連絡をはかつてゐるのである。

右の最高機關と密接な連絡をとることは極めて重要なことである。一般組合員は、これによつて司法、行政及立法に關するワシントンの動きの總べてに關する報告を受けることができるのであり、さらに、また、一般組合員は、自分達のワシントン駐在代表を通じて聯邦政府の立法、司法、行政部と意思の連絡を企ることが出来ることもなるからである。では、斯ういつた協力、即ち、提案や、提訴や、要求や其の他の行爲の右に述べた二つの側面についての若干の實例を觀察してみよう。

労働立法

労働組合に利害關係の深い法律案が議會に提出されようとしてゐるとする。各組合の法律代表は、それぞれ自分達の組合員宛に、その法案の性質についてのレポートを送送するのである。そこで組合では、直ちに、この法律案に對し積極的な對策を働きかけることとなるのである。即ち、右の法案に對する公聴會が開催されると、各法律代表は、議會の委員會に出席して、この法案のどの點が賛成であるか、どの點が抹消すべきかを事實を以て説明し、且つ、何故にこの法案を生かすか、葬るかを説明するのである。現行法規に對す

るこのような建設的批判は、總ての組合の最高首脳部が、聯合し、共に足並を揃へた態勢に於て行はれるものであるが、また同時に全國組合に於ても、それぞれ自分達の立場に於ての見解を表明することのあるのは云うをまたない。

同じ様に、或る重要な法規が、新しく必要とされる場合には、組合の法律代表並びに全國組合は、この新法案の提出についての準備を調へた上で、労働運動に理解をもつ議員の手を通じこれを議會に提出するのである。

行政機關の中には、常時、組合行政機關双方の聯絡を保つておくべき種類のものがある。例へば或る労働組合がウイスコレンシ州で夏期労働學校を經營する場合もあるであらう。

この際ワシントン駐在の組合法律代表は労働省と折衝し労働省の役人に、この労働學校で、同省の機構や、仕事の内容につき講義をして呉れるよう依頼する。

さらに他の政府機關の代表は、食事と榮養についての講義を、また或る政府の代表は、信用組合とか、協同組合についての講義を依頼されるのである。事實アメリカ労働組合の經驗によれば、ワシントンの政府諸機關は、労働組合の要請に基き、各自の力の及ぶ範圍内で、組合運動の發達のため、文献、パンフレット、展覽會、映畫、及講演者等を供給し

労働者教育の資料提供の任務を果すのである。

政府、組合間の動きの之と同じような事例は、同じ聯邦政府の行政機關である全國住宅局 (National Housing Administration) の管轄下にある全國住宅計畫の中にもみられる。即ち、組合が、或る重要な工業地帯に於ける切迫した住宅問題の調査を行ひ、常時、住宅機關の役人を連絡を保ちつゝ、同地域に於ける住宅建築資金の交付を受けることに成功している。尚地區によつては、この住宅問題は、組合の重大關心事であり、この故に、政府は、労働者委員と會見し、労働者の好むような型の家を決定するとか、或は適当な型の家の建設を促ることのために組合側との合同委員會を設けているのである。また同様に住宅機關に對して、資金貸與の交渉を行う段階に至ると、組合はこれまで舉げてきた業績を議會に報告し、公共住宅資金の増額を要請するのである。斯の如く、住宅機關は、労働組合にとつて大いに大切なものであり、斯くて、組合は住宅機關との協同の下にその活動を繼續し擴充しつゝ、運営を行つてゆくのである。

物價統制と割當制

物價統制と、割當制の重大なるに鑑みて、労働組合連同盟(A. F. L.) 産業別組合會議(C. I. O.) 並びに鐵道友愛會(Railroad Brotherhoods) はワシントンに生計委員會なるものを設け、これをして、物價統制局(Office of Price Administration)との緊密なる連絡の下に活動を行はしめている。アメリカの一部業者が、物價統制撤廢要求の聲をあげる時、これに對抗してこの労働組合生計委員會は物價統制を辯護し、生計状態公表を敢行し、さらに、物價及家賃統制繼續のために闘うことに非常に大きい役割を果たしたのであつた。また、物價の統制が餘り適正に行はれておらない地域があると、直ちに、この委員會は其の不平を取りあげ、その事實をワシントンの物價統制局に提示するのである。更に物價統制局が物價統制に當惑している場合には、此の委員會は、これに協力を申し出るなどの處置を執つたのである。

以上見てきた如く、政府の執行機關は、その法規實施の全段階に於て、それぞれ労働組合に對して助力を與えんと共に、他方、労働組合側からの支持を要請するものである。このことの結果として、労働組合の組合員並びに人民は、政府が自分達の公僕であること、法律と云うものは、一般人民のために造らるべきものであつて、少數の人間のために造ら

るべきものではないと云うことを、判つきりと理解することができるのである。このこと、組合側からの積極的な建設的批判、示唆、並びに政府に對する援助等があつて、始めてなし得るものである。

全國労働關係局

ルーズベルト政権の初期に、聯邦議會は、ワグナー法(Wagner Act)を通過せしめたが、この法は、労働者が、團體交渉を行うために、自分自身の組合を組織する労働者の權利を始めて規定したものである。頭初は、雇傭主の中には、この法を承認することを拒否する者も現れ、中には、訴訟事件にまで發展したものもあつた。即ち、その事件は下級法廷にかけられた、それから、非常に高價な法的闘争を行つた擧句、其の或るものは遂に聯邦最高法院(Supreme of the United States)にまで持ち出されるに至つた。永い熟考と、アメリカ新聞界の論戰の行はれた後で、この法廷は遂にワグナー法は國家の法律たるべしとの判決を下した。

この時以來、雇傭主は、この法律に従う義務をもつものであり、若し之を拒めば彼等は

處罰されることになつたのである。

さて、全國労働関係局が誕生して以來、今日に至るまで、労働組合は之を彼等の組織力の伸長に利用してきた。彼等は、ワグナイ法を研究し、全國労働関係局(N.L.R.B.)に對し提訴するため、法のもつあらゆる特點を生かしてきたのである。時日が経過するに連れて、次第に、組合は、勝利を獲得し始めた。除々にではあるが、判例が作られ、かくて組合は、この國の法組織の中に、確乎たる地歩を確立するに到り、彼等の權利も亦、最高法院により裏付けられた法的決定に基き保障されるに至つた。現在全國労働関係局(N.L.R.B.)に働いている多くの人は、組合運動の出身であり、また、同様に全國労働関係局に管つて働いていた人達の中で、後に至り、それらの労働組合に於て、重要な行政的法的地位を占めていつた人も多いのである。事實労働関係局(N.L.R.B.)の重要なポストの人達が決定されるに先立ち、之を希望する人の名前が、豫じめ組合に通告され組合側が候補者に關する意見を表明する機会を與えたのである。

労働関係局に對する提訴、及び、労働関係局の行つた強力な判決が、労働組合組織の草莽時代に於て組合育成を助ける大きな要因となつた場合が非常に多いのである。

労働省

アメリカ労働省(Department of Labor)は、聯邦政府行政部の最大機關の一つである。この前の講義で、コープ氏は、その事務のおよそにつき説明をされた。であるから、こゝでは、只多數の労働組合員が、労働省のために働いており、また労働省で訓練を受けた多數の青年男女が、労働組合の行政、並びに組織方面の地位に就き働いていると云うに止めとおこうと思う。労働省の活動は、全く、間断なき労働組合の監査にあると云へる。一方之に對し、労働組合は、特別な仕事で、労働省を援助し、新規の被僱者を指命し、労働省の多くの業務を全面的に活用するのである。

労働省労働統計局(Bureau of Labor Statistics)は、恐らく、労働組合運動により、最も廣く活用せられたもの、一つであらう。其の理由は、労働統計局なるものは、労働組合が、経営者側と團體交渉會議を行うに際し、使用する正確な情報資料を提供する局であるからである。労働省が組合側に提供する情報は、組合が、これを蒐集するとなれば、數ヶ月の日數を要するであらう。労働省は、これを無料で組合に提供しお役に立てば結構で

あるといふのである。

州 の 場 合

合衆國の大部分の州には、それぞれその州の労働省が存在して居り、これらは、州内の労働運動のために活動している。ミシガン州の如く、組合の力が、強力な州では、州労働省長官は、組合により指令されるのが通例であり、而も、組合員がこれに選ばれるのである。また、州労働省内の重要な政策に携る人はその道の専門家若しくは労働運動の出身者である。さらに、多くの青年男女が、それぞれの地方に於ける労働運動に就いて學び、労働學校に通ひ、州労働省に入つて、其の仕事を擔當するのである。斯く、労働組合は、その二次的な指導權を掌握することにより、先づ政府に健全な労働者を供給しておき、而る後、爾後、彼等が労働省に援助を頼みに向いた際、これらのものを通して、好意的な取り扱ひを受けることができるのである。

更に、アメリカ諸州には、一時的に解雇された労働者に支給すべき失業賠償手當に関する行政事務を取り扱う失業賠償委員會 (Unemployment Compensation Commissions) なる

ものがある。労働組合は、其の所屬組合員に、組合員の權利を知らせることを目的として開かれた組合會合の席に、州政府の代表者に出席して貰うことにより、州政府のこの重要な部門の仕事に協力をしているのである。さらに右と同じような方法に基き組合幹部は或る工場が閉鎖すべき事態に直面すると、直ちに失業賠償委員會にこれを通告するのである。これは問題が大きくなつたとき、若しくは、大きくなる怖れのある場合、賠償額を自由に増加することの出来るような條項を造ることを目的として之を行うものである。

諸州にはさらに住宅委員會や物價統制局が設けられている。そしてその大概の場合組合はこれらの行政機關に席をおき、その業務の決定に參劃し且つ労働運動の代表である者を送つて居るのである。聯邦政府の場合と同じ様にそれらの州にある大きな組合は、通例州政府内に活動の據點を設けると共に、一人若しくはそれ以上の法律代表を駐在せしめて居るのである。この法律代表の仕事は、州政府の立法、司法、行政諸機關との連絡を保つことにある。即ち彼等は、一方、労働組合に對しては關係法律を通告し、他方、州政府の

諸機關に對しては、その組合を代表するものである。かういつた政府との協力の好適例は一九四一年のフォード自動車会社のストライキ事

件にみられる。ストライキの起る前、約十年間というものはフォードは其の全工場に「組合なし」(no union)の堅い方針を持っていた。私設の警察力と暴力の使用がフォードの組合嫌いを支持していたのだ。しかるに一九四一年始め、C.I.OとA.F.Lが先づフォード工場内に組合を持ち込もうと試み、茲に或る新しい局面が開かれる段階となつたのである。先づC.I.Oが、断乎としてこの問題を闘い取るべく決意した。一九四一年春、数人の組合幹部が、フォードから蹴首され、こゝにC.I.Oは、ストライキを宣告した。即ちストライキに入る前に、組合は、政府の全機關、警察、及び州知事に通告を發した。即ち彼等は、この通告に於て何のために闘うのかを説明しておいたのである。このように緊密なる連絡の結果、州知事も警察も短かくはあつたがこの激烈なストライキに毫も干渉するところがなかつた。フォードは遂に屈服し、労働者の組合加入を承認することに同意した。然し、C.I.OとA.F.Lの問題は双方対立のままに殘されていた。そこでC.I.Oは全労働關係局に訴訟を提起し、労働局は、ストライキ後一ヶ月後に、工場内に於て民主的な選挙を行はしめたのである。C.I.Oは選挙に勝ち、組合が組織された。それ以來フォード会社 (Ford Company) 聯合自動車工組合 (United Automobile Workers) 及び、

C.I.Oは、圓滿な契約關係を續けてゐるのである。ストライキのあとで、フォード氏は組合首腦部を招いてかう云つた。「永年の間、わたしは正直に云つて、自分の下で働いてゐる労働者に組合に加入してもらいたくはなかつた。投票はわたしの間違つてゐることを説明した。諸君がこれからは自分の労働者の指導者だ。共に働き、アメリカで最も立派な組合の一つにしようではないか。」と。

要約して云へば、組合は勝利を獲得するために、非常に重要な役割を演じたのだ。が、しかし、州知事、警察の友情と同情、全國労働關係局の時宜に適した處置をかりせばこれを爲し得なかつたであらうと云うことである。同時に法律が實施され、問題は解決され、また労働者の権利は保障され、労働者の就業條件は著るしく改善されたのである。こゝに興味あるのは、數年後に、法廷が、フォードの私設警察から殴打された労働者並びに労働運動にたずさわつたため獄にされた労働者に對し、數百萬ドルの慰養料を支拂うべしとの判決を下したことである。

アメリカ諸州の多くは、また地方的問題についての和解、仲介、調停の事務を行つてゐる。そして多くの組合契約の中には、調停人が選出される場合、豫じめ、調停人の氏名を

ストを提出しておき、これを組合の選擇に一任しておくべきこと、並びにその運営の實際は、州に於ける當該機關の長に依つて行はるべきことが明記されている。

さらに、各州にはそれぞれ、多数の綜合大學、單科大學が開かれていたのであるが、アメリカの労働組合は、これらの大學に對し次のような見解を執つている。即ち、問題に對し、好意的立場を以て接してゆけば州、大學自らに於て、労働者のために、その養成所を開設し、夏期學校を開き、その他種々な方法で労働者の知性の向上と労働運動の知識啓蒙のために大いに力をかけて呉れるものであると。例えば、デトロイト市の如き、組合が非常によく發達している都市では、綜合大學は組合のために、議會手續、公開演説、労働法其他基本的諸問題を教える講座を設けているものもある。

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市の場合

労働組合と市役所との協力關係は、より一層に個人的であり、一層密接なものであるが、その協力の型態は、聯邦政府、州政府の場合と特別に異つた行き方をとるものではない。即ち労働組合は、市教育局 (City Department of Education) と交渉の上、ハイスクー

ルの講堂を組合會合や、組合大會の會場に使用するのである。また學校側も、組合の要求が正當な使用理由に基づく限り、夜間、若しくは夏期、組合のために教室を開放するのが通例になつてゐる。

市住宅當局は、その市に於ける住宅問題を如何に實行に移してゆくべきかにつき、組合側の提案に對し極めて協調的である。例えばデトロイト市の住宅委員會々長は永い昔から労働組合のメンバーであつたし、同市の新住宅増築計畫は、大抵組合の住宅委員會に先づ豫じめ提示され、その批判、勸告、示唆を受けるのが通例であつた、斯の如き組合、市當局間の相互協力は、政府はすべて、人民の、人民による、人民のための政府であると言ふことを、労働運動を通じ確信してこそ始めてなし得るものなのである。

大都市に於ては、經濟危機がつゞいてゐる間、組合は、厚生及救護委員會 (Welfare and relief committees) なるものを設け、これをして、市の厚生部と協力せしめ、金、及び食糧を適當な時期に適當な人に支給せしめるよう努力している。而してこの種の救護計畫を担当する者は労働組合員である場合が多い。

以上、それぞれの段階に於ける政府諸機關と労働組合運動との上述の如き關係は、デ

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モクラシーの有力なる一面である。若し労働者が政府を信頼せず、政府諸機関との協力を拒絶するならば、彼等組合は、政府諸機関の同情的援助を得ることが殆んど不可能である。政府に對する信頼、政府諸機関に對する信任、これこそ總ての人がよつてもつて仕事をを行う士氣でなければならぬ。人間と云うものは、獨り立ちが出来ないものである。労働組合が政府に對し、支持と示唆を與えるとき、而して政府も亦、労働組合の爲につくさねばならぬことを諒解するに至る時、斯くしてこそ始めて、相互協調、信頼、信任、それらのものが伸びてゆくのである。若し、行政當局と組合幹部が一堂に會同するのでなければ、満足すべき勤勞配置の態勢に到達することは不可能である。組合は自己の立場を守るという點については、常にイニシアチブを採らなければならない。たとえ労働組合に全然友好的でない人物が政府の役人に任命されるが如きことがあつても、其の任命に抗議しつゝも、組合は彼を訪問することを続け、よしんば一點でもよるしい、彼と共鳴する點を見出すように努めなければならない。右の役人が組合幹部や、立法機關をハツキリと理解するようになつて始めて、彼はこれらの組合や立法機關を充分に活用し得る途を會得することができるのであり、延いてまた、このことは、組合側もまた、この役人を充分に活用す

ることが出来るようになるわけである。斯うして數ヶ月の日數を費やし、漸くこゝに満足すべき一つの關係を打ち建てる事が出来るのである。

同じように、組合が、知的指導權を掌握し、組合幹部を政府のポストに推薦することができるようになれば、組合は徐々に政府の實質的の一部を構成することになるのである。これと同様に、政府に於ても、將來労働組合運動に挺身すべき男女を訓練するようになれば、双方の健全なる關係が益々成長を加えてゆくのである。

デモクラシーは
 ↓
 圖の如く、二方向の原則の上に築かれている。即ち、
 ○指導者は、政府より出で、労働組合に入る。労働組合員は、組合より出でて、政府に入る。

○政府機關は、労働組合に活用の餘地を與え、組合は政府機關を援助する。
 ○政府は組合を批判し、變更を示唆する。組合は、政府諸機關を批判し、變更を政治の中に生かしてゆく。

さて、人民の、人民による、人民のための政府は、言葉で云う如く然く簡單に人民に與えられるものではない。

人民の、人民による、人民のための政府は、人民自らが、其れを闘いとるべく固い決意を定め、民主的な方法に於て其の業務を遂行することに熱心に努力して、始めて其の成果を確立することができるのである。然し、われわれは、これは必ずや成し遂げられ得ることをアメリカの経験によりハッキリと示されているものであると思う。
(終)

法律相談所開設

皆さんの組合や、皆さんの家庭生活上の問題につき無料御相談に應じます。左の協合理事が責任を以て解答いたします。

法學士 青柳文雄
法學士 辯護士 角田儀平 治

相談は書面(返信封同封のこと)又は口頭を以て協會事務局に御申出下さい。面會日 第一・第三土曜日 后二時より四時まで。相談所 東京都千代田區神田駿臺二の三 労働民主協會

電話神田(25)〇八四〇番

綱 領

本協會は社會正義に基づく労働運動の民主的發展を促進せんがため、労働教育の普及徹底をはかり、強力積極的にして且つ責任ある労働組合の育成を期するものである。依て本協會は労働者並に一般労働大衆の思想的、文化的、經濟的生活の民主的確立、労働教育の普及、及び特に日本労働運動に倫理的建設的基本方向を與え、以て日本産業の速かなる再建を擔はんとするものである。

綱 領

- 一、日本産業の速かなる再建を期する。
 - 一、正義、眞實を愛する労働者を支持する。
 - 一、民主的建設的労働組合組織の確立を期する。
 - 一、階級的利己主義を排し、協力を勧める。
 - 一、一般労働大衆の生活向上を擁護する。
- 右趣旨に賛成し、協力賛助を惜しまぬ諸士は本協會に加入せられることを希望する。加入希望者は、左記事項記入の上郵便にて申込まれたい。
- 一、現住所 一、氏名公年齡 一、勤務先及所在地
 - 一、所属組合名及所在地 一、希望事項

労働民主協會

労働民主協會役員

- 小野 豊明
- 服部 親行
- 白鳥 芳郎
- 澤田 信夫
- 岩 瀬 孝
- 岡村 忠正
- 青柳 文雄
- 藤 藤 正介
- 藤 井 正夫
- 岡田 寛美

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(送料 各輯 一・二〇)

●申込は小爲替又は振替にて直接協會事務局へ
 東京都千代田區神田駿合二ノ三
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AMERICAN TRADE UNIONS AND SOME EXPERIENCES WITH
VARIOUS GOVERNMENT AGENCIES

Presented as part of a course of
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Ministry in Tokyo on 10 October
1946.

by
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ECONOMIC AND SCIENTIFIC SECTION
LABOR DIVISION
GHQ

AMERICAN TRADE UNIONS AND SOME EXPERIENCES WITH
VARIOUS GOVERNMENT AGENCIES

General Principles

The American system of government is based on the idea that the people are sovereign, that government is the creature of the people. For this reason, the Government is said to be of the people, for the people, and by the people.

Government is of the people because the officers of government, the leaders, the clerks, and so forth, are drawn from the ranks of all the people. No one group of persons in America has a monopoly of all government jobs. No one class dominates the appointment of government officials.

Government is for the people in that the express purpose of all government measures is to promote the common welfare and secure the development of peace and security for all the people. At times, the government may be authorized to give special service to specific social and economic groups, but even then, the general purpose is the common good of the American people as a whole.

Government by the people simply means that any person has the right to run for any political office provided that he is an American citizen and fulfills certain basic requirements. Any person can run for political office, and any person can aspire to any administrative or judicial post. Because of this, the government of the people of the United States includes persons of all races, creeds, political affiliations, and all levels of social and economic society.

Administrative Agencies

Government in the United States functions on three general levels. At the top, there is the national government in Washington, with the Executive Branch, the Judicial Branch, and the Legislative Branch. In each state, there is a state government with sovereign powers in many fields which functions along the same lines. In each city or town, there is a local government also operating in the same manner, although on the local level there are many different forms which this may take.

The trade unions in America are directly concerned with the three Branches of government. For instance, in the enforcement of labor laws, the unions will file cases with local courts. If they are not settled on the local level, the cases may end in the Supreme Court of the United States. That means the appeal by the unions to the highest judicial authority in the United States for a final decision.

In the same way, the unions may desire certain protective legislation, or they may object to certain features of proposed or current legislation. The trade unions then deal directly with the Legislative Branch of the government, bringing their pressure to bear upon the Senators and Representatives in the Congress of the United States.

Regarding the Administrative Branch, or Executive Department of the Government of the United States, the trade unions establish relations with the advisers to the President of the United States, and also establish liaison with the various Executive Agencies, such as the Department of Labor, the Department of the Treasury, the Department of Commerce, the Post Office Department, the State Department, and others of the Executive Departments of the Government of the United States.

It is interesting to notice that nearly every national union in the United States has a special representative stationed in Washington, called a legislative representative. This man is usually quartered with the top AFL or CIO organization, and his job is to present the views of his trade union to the Congress, as well as to the various administrative agencies of the Executive Branch. He also will keep a close watch on the agencies which deal with matters affecting workers in the particular trade union, and the legislative representative will send frequent reports to the membership of the union on the actions of both Congress and the Executive Agencies.

Within the Executive Agency of the Government there are also innumerable Boards and Commissions which deal with labor, such as the Social Security Board, the National Labor Relations Board, and others. Since many of these commissions and boards deal with legal problems, the national union, through its legislative representative, will keep in close touch with the national AFL, CIO, and Railroad Brotherhood attorneys, and together, they will maintain liaison with the special agencies.

This close liaison at the top level is very important, for it means that the rank-and-file are kept informed on developments in Washington of a judicial, administrative, or legislative nature. It also means that the rank-and-file are able to speak through their own Washington representative with the legislative, judicial, and administrative branches of the national government.

Let us consider a few examples of such cooperation, or the two-way flow of suggestions, complaints, demands, and other actions.

Legislation A bill is coming before Congress which is of interest to the trade unions. Each legislative representative will inform his membership of the nature of the bill, and in time, the trade union will develop its policy on the bill. When public hearings on the bill are held, each of the legislative representatives will appear before Congressional Committees, and explain, with facts, which features of the bill are endorsed by labor, which features should be stricken from the measure and explain why this should or should not be done. This sort of constructive criticism of current legislation is coordinated by the top labor federations, but each national union presents its own views on the subject.

Likewise, when a certain piece of important legislation is needed, the legislative representatives and the national unions may undertake to propose a bill, and it will then be introduced into the Congress by a member of Congress who is friendly with the labor movement.

Within the administrative agencies, there is constant liaison between the unions and the administrative agencies. Perhaps a certain labor union is holding a Summer School for its workers in the State of Wisconsin. The Washington representative will contact the Department of Labor and arrange for a representative of the Department to attend the Summer School, and give a course of lectures on the functions and services offered by the Department. Another administrative agency of government will be asked to present a course on diet and nutrition, while still another will be asked to present a course on credit unions and cooperatives. Indeed, in American trade union experience, the various government agencies in Washington, because of constant trade union requests, have developed Information Services within their respective agencies which provide literature, pamphlets, exhibits, movies, and speakers for the trade union movement.

Another example of the same type of activity is found in the national housing program of the United States, administered by an executive agency, the National Housing Administration. The unions make studies of vitally needed housing in certain important industrial areas, and by constant liaison with the housing officials, they are able to secure allocations of funds for the given area. In some areas, because of union interest in the problem, the government will meet with worker committees, determine the type of houses they want, and even form a joint committee with the trade unions to aid in the development of the right kind of houses. Likewise, when the time approaches for more appropriations for the housing agency, the trade unions will tell Congress the sort of a job that has been done and will make demands on Congress for additional appropriations of public funds for housing. Thus, the housing agency is of service to the trade unions, and the trade unions work with the housing agency to carry on continued and expanded activities.

Price Control
and Rationing

Because of the importance of price control and rationing, the AFL, CIO and Railroad Brotherhoods have set up in Washington a Cost-of-Living Committee, which works closely with the Office of Price Administration. When certain interests in America wanted to abolish price control, this trade union committee played a vital role in defending price control, in arranging for publicity on the cost-of-living situation, and in fighting for continued price and rent control. As unions find regional areas where prices are not being controlled properly, this committee receives the complaints and presents the facts to the Office of Price Administration in Washington. When OPA is having trouble in enforcing its price ceilings, it will appeal to the trade union members to aid in enforcement.

You see, on all levels of government enforcement of the laws, the executive agencies both service the trade unions and ask the trade unions for support. As a result, the trade union members and the people appreciate that the government is their servant, and that laws must be made to work for the common people, and not just for a few. This is done by constructive criticism, suggestions, and aid to the government agency on the part of the labor union.

National Labor
Relations Board

During the early years of the Roosevelt Administration, the Congress of the United States passed the Wagner Act, which established the right of the workers to organize unions of their own choosing for purposes of collective bargaining. In the beginning some employers refused to recognize the law, and developed test legal cases. Cases went before the lower courts, and after very expensive legal battles, some finally went before the Supreme Court of the United States. After lengthy deliberation and a furious debate in the public press of the United States, the Supreme Court finally declared the Wagner Act to be the law of the land, and from that time forward the employers had to obey the law. If they refused, they faced court action and punitive measures.

Now from the beginning of the National Labor Relations Board, the trade unions used it in the development of their organizational strength. They studied the Wagner Act, and they used every feature in order to file cases with the N. L. R. B. Gradually, as the months went by, the unions began to win victories. Slowly, precedents were established and the unions became firmly established in the legal framework of the country, their rights secured by legal decisions backed up by the Supreme Court. Many of the people employed by the N. L. R. B. came from the trade union movement, and likewise

many men who worked for the N. L. R. B. later secured important administrative and legal positions with various trade unions. In fact, before many important N. L. R. B. posts are filled, the name of the person proposed for the job will be presented to the labor unions, to give them an opportunity to express their opinions regarding the nominees.

Many times an appeal to the NLRB and a strong decision by the NLRB are the factors that have saved many unions in the early stages of their organization.

Department of Labor

The United States Department of Labor is one of the largest of the agencies of the Executive Branch of the Government of the United States. In a previous lecture, Mr. Korb has outlined the nature of its work. Suffice it here to point out that many trade union members have gone to work for the Department, and many young men and women trained in the Department have secured trade union administrative and organizational positions. The activities of the Department are under constant trade union scrutiny. Likewise, the trade unions assist the Department on special jobs, nominate new employees, and make full use of the many services of the Department.

Perhaps the Bureau of Labor Statistics of the Department of Labor is one of the most widely used by the trade union movement, for the Bureau furnishes accurate information used by the trade unions in their collective bargaining conferences with management. Much of the information given to the trade unions by the Department of Labor would take the union months to collect. The Department gives it to the unions free of charge and is glad to be of service.

On the State Level

Most of the States have their own Departments of Labor, which are operated in the interests of the labor movement within the state. Where unions are strong, as in Michigan, the Director of the Department is usually nominated by the trade unions and will be a trade union man. Likewise, the important policy people within the State Department of Labor will be either professional men or people from the labor movement. Many a young man and woman has learned about the trade union movement on the local level, has attended labor schools, and later joined with the State Department of Labor. Thus, the trade unions, by developing secondary leadership, contribute sound workers to the government, and through this, they are sure of sympathetic treatment when they go to the Labor Department for help.

The States also have Unemployment Compensation Commissions which administer the Unemployment Compensation Payments to workers who are temporarily unemployed. The unions cooperate with this important part of the State government by having representatives of the government appear before local union meetings in order to inform the membership of their rights. In the same way, when a plant faces a shut-down, union officials will at once inform the Unemployment Compensation people so that provisions can be made to handle the heavy load when and if it develops.

The States have housing commissions, and price control boards, and, in many states, the trade unions have their representatives sitting in on the boards, taking part in the decisions, and representing the labor movement.

As with the national government, the major unions in a given state will usually pool their resources and maintain one or more legislative agents in the State capitol. Their job is to maintain liaison with the legislative, judicial, and executive agencies of the state government. They push legislation of interest to the trade unions, and they represent their unions before the various agencies of the state government.

A good example of such cooperation with Government is found in the Ford Motor Company strike of 1941. For some ten years previous to the strike, Ford had maintained a firm "no union" policy in all of his plants. A private police force and the use of violence had supported Ford's dislike of labor unions. However, early in 1941, the CIO and AFL had carried organization forward in the Ford plants to such a point that a decision would soon be reached. The CIO determined to precipitate the issue, and in the Spring of 1941, after a number of union leaders were fired by Ford, the CIO called a strike. Before the strike began, the unions informed all government agencies, the police, and the Governor. They explained what they were fighting for. As a result of this close liaison, neither the Governor nor the police interfered in the short but bitter strike. Ford capitulated, agreed to permit his workers to join a union. However, the question of AFL or CIO was still in the air, so the CIO took the case before the National Labor Relations Board, which held a democratic election in the plant a month after the strike. The CIO won the election, the union was established, and since then, the Ford Company and the United Automobile Workers, CIO, have enjoyed excellent contractual relations. In fact, after the strike, Mr. Ford called in the head of the union and said: "For many years, I honestly did not think our workers wanted to join a union. The vote has proven that I was wrong. You are now the leader of my workers. Let us work together and have one of the finest trade unions in America..."

The point is that the union played a very important part in winning the victory, but it could not have done it without the support and sympathy of the Governor of the State, the police, and the immediate action of the National Labor Relations Board. Together, the law was enforced, the issue was settled, and the rights of the workers were upheld, their conditions improved considerably. Interestingly, a few years later, court decisions were made awarding millions of dollars to the workers who had been beaten by Ford private police, as well as to workers who had been fired by Ford for union activities.

Most of the states also operate local conciliation, mediation, and arbitration services, and in many union contracts it is specified that if an arbitrator is to be chosen, the list of names to be submitted for selection by union and management will be drawn up by the head of this state service.

The States also operate many public universities and colleges, and the trade unions in America have found that after a sympathetic approach to the problem, the State College will set up a training school for workers, operate a Summer School, and in other ways aid the workers in developing their intelligence and knowledge of the labor movement. In strongly unionized cities such as Detroit, the universities will operate classes for the union, teaching parliamentary procedure, public speaking, labor law, and other basic subjects.

On the City Level

Cooperation between the trade unions and city government is much more personal and close, but it follows the same pattern as with national and state government. Trade unions arrange with the City Department of Education for use of High School auditoriums for union meetings and rallies. The school system will open its doors to trade union classes at night or during the summer, in many states, if the trade unions just ask for the service.

City housing authorities are very agreeable to union suggestions as to how housing should be carried on in the city. In Detroit, the Director of the Housing Commission of Detroit has for years been a trade unionist. Many of the plans for new housing developments in Detroit are first submitted to a union housing committee for suggestions, criticism, and advice. Such a degree of cooperation can only be obtained when the trade union movement is convinced that all government is of the people, by the people, and for the people.

In large cities, during an economic crisis, the trade unions set up welfare and relief committees, which work with the city welfare departments to see that money and food is distributed to the right people at the right time. Frequently, the persons who administer the relief program are trade unionists.

These relations between the various agencies of the government on all levels and the trade union movement is a vital part of democracy. If the workers do not trust their government and refuse cooperation with the government agencies, they preclude any sympathetic help from the government agencies. Faith in the government and confidence in the government agencies is something upon which all must work. One cannot come before the other. When the unions offer aid and suggestions to the government, and when the government comes to understand that it must service the trade unions, then and only then can mutual agreement and faith and confidence be developed. If administrative officials and union officials never meet, it is impossible to reach a satisfactory working arrangement. The union, for its own protection should always take the initiative. Even if an administrator is appointed who is completely unfriendly to the trade unions, while protesting the appointment, the union should continue to visit him and try to find at least one point of agreement. After the administrator has come to know the trade union leaders and the legislative agents, he may find that he can use them ... and they can use him. Over a period of months, a satisfactory relationship can be built.

In the same way, as the unions develop intelligent leadership and can suggest various union officials for government posts, the union gradually becomes a real part of the government. Likewise, when the government trains men and women who later enter the trade union movement, a healthy relationship has been developed.

Democracy is founded on the principle of the two-way flow.

- . Leaders go from Government into the Trade Unions.
Trade Unionists go from the unions into the Government.
- . Government agencies service the trade unions.
Trade unions aid and help the government agencies.
- . Government criticizes the unions, suggests changes.
Trade unions criticize the government agencies, and push for changes in administration.



In a word then, government of, by and for the people will never be given to the people. Government of, by and for the people is only established when the people themselves decide they will make it so, and then go about doing the job in a democratic manner. We feel that American trade union experience has shown that it can be done!

File #1407

A BRIEF HISTORY AND OUTLINE OF ORGANIZATION OF
THE UNITED STATES DEPARTMENT OF LABOR

Presented as part of a course of
lectures conducted by the
Welfare Ministry in Tokyo
on 8 October 1946.

By
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ECONOMIC AND SCIENTIFIC SECTION
LABOR DIVISION
GHQ SCAP

Introduction

This is a general account of the history and organization of the Department of Labor and a detailed reference to the functions of two of the branches of the Department. It is proposed to discuss certain aspects of the administration of labor affairs by the Department. It would be quite impossible to explore fully the functions and relations among the many agencies which directly execute the labor policies and activities of the United States Government.

Do not conclude that this outline indicates a perfect model and example. On the contrary, many weaknesses and faults in organization have existed. Some have been corrected. Others have persisted. Inadequacies have appeared as events have assumed their places in history. One cannot overlook the many different elements which have affected the development of American labor agencies. Many of these elements have not had and do not have a place in Japanese laws, practices, or history.

The Japanese Government stands ready for mighty changes in the organization of its labor administration. However, the description of some of the functions of the United States Department of Labor is not intended to influence the nature of these changes. Rather, they are presented as pure information, for your evaluation and critical analysis.

History of the Department of Labor

The United States Department of Labor, as a distinct Executive Agency, with a seat in the Cabinet, is about 33 years old. In 1913, the Congress created the Department, and its head was accorded a position as a Cabinet member.

For nearly 50 years, labor organizations had advocated and worked for the establishment of such a Federal department. The early demands of organized labor were first rewarded by the formation of a Bureau of Labor in 1884. This Bureau exercised limited functions within one of the Government departments. Repeated efforts were made to bring into being a separate Department.

Then, in 1903, the Congress created the Department of Commerce and Labor. The Bureau of Labor was made a part of this Department. The welfare of workers was thus included within the responsibility of an executive Department, which, at the same time, also represented the interests of employers. This arrangement was extremely unsatisfactory to organized labor. Demands were constant for the establishment of an independent department for labor.

Establishment

Finally, in 1913, the hopes of workers for a separate department to promote the welfare of workers and for a Secretary in the Cabinet to speak for them became realized.

The Department was established in the interest of the wage-earners of the United States. The law by which it was created, expressly declared that: "The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage-earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." From its beginning, the Department of Labor found that it was necessary to look to labor organizations in order to ascertain the viewpoints of workers.

Several of the present Bureaus of the Department became established functions, from the very outset. These included the Bureau of Labor Statistics and the Children's Bureau.

Additions

A Conciliation Service was soon added, which expanded its activities greatly during the years of World War I. That war also caused a further expansion of the Department's activities, which afterwards developed into permanent functions. This was especially true as to the Employment Service, which began as a temporary activity during the war.

In 1934, the Division of Labor Standards was created. Then the Public Contracts Division came into being, in 1936, following the adoption of the Public Contracts Act. The Wage and Hour Division was added in 1938, after the passage of the Fair Labor Standards Act (known as the Wage and Hour Law).

The past hostilities produced the necessity for the addition of several new functions, and also for the establishment of various special agencies concerned with labor problems. So that, now, following the termination of hostilities, we find the Apprentice Training Service, the Retraining & Reemployment Administration, the National Wage Stabilization Board, the Wage Adjustment Board, and the Shipbuilding Stabilization Committee are active organs within the Department of Labor.

Very recently, the functions of the Children's Bureau, which is a bureau of the Department of Labor known to at least a few of those present here, were transferred--in part to the Division of Labor Standards; in part to another Federal agency.

Thus you can see that the development of the functions of the Department of Labor has been a gradual process; the changes having been largely produced by necessity, circumstances, and popular demand. Because of the limitations of time, reference is omitted to various other functions which have passed in and out of the jurisdiction of the Department, during the course of its history.

It may be useful to consider, in some detail, the functions of several

of the branches of the Department, namely, the Bureau of Labor Statistics and the Division of Labor Standards. An outline of the structure and of the functions of most of the other branches has been prepared in written form for your reference.

Bureau of Labor Statistics

The Bureau of Labor Statistics is the Federal Government's principal fact-finding agency in the field of labor economics. It operates 12 field offices, in various parts of the United States. It collects a very substantial volume of information on employment, wages, hours of work, consumer cooperatives, work conditions, work injuries, and prices. It also gathers data on every aspect of industrial relations.

The Bureau is a service agency which serves not only labor and other Government departments, but also the general public. It replies to numerous requests for information on subjects in the field of labor economics. The services of the Bureau's regional staffs are available to all organizations and individuals. These branch offices furnish copies of Bureau publications.

The complex problems which have grown out of the recent war have resulted in considerable extension of its operations. Especially is this true in the collection of price and wage data. Those agencies which have carried on stabilization programs have relied upon the Bureau's statistics.

The Bureau has no enforcement functions of any sort. Virtually all of the basic data which it collects from workers, employers, from businessmen and from other governmental agencies are supplied through voluntary cooperation. Those who supply the data have an interest in and need for the analyses and the summaries which result. Besides, the research projects which the Bureau undertakes is based upon the needs of these same groups.

The principal form in which the Bureau presents its information is through the Monthly Labor Review, a periodical which is sold to the general public at small cost (\$3.50 a year). About 15,000 copies are sold or otherwise distributed. In addition to this periodical, the Bureau publishes countless copies of many hundreds of pamphlets, each dealing with separate subjects.

Let us briefly describe the nature of the Bureau's work in gathering data as to employment, wages, work conditions and industrial relations, prices and cost of living, labor conditions in other countries.

As to Employment

The Bureau develops data which will show, month-by-month, the trends of employment. It also analyzes the outlook for employment in the future.

The information is promptly released in mimeograph form to all who are

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interested. Three or four weeks later, the information will appear printed in the Monthly Labor Review.

To determine the trend of employment, the Bureau receives regular reports on the number of workers and the total man-hours worked during a predetermined period of the month. It receives such reports voluntarily from about 150,000 employers. These reports come from employers in about 150 manufacturing industries, and also from retail trade, construction, and utilities industries. They come also from Federal, State, and local government agencies. In addition, various other sources of information are available.

In addition to nationwide statistics, the Bureau, through its field offices, is working out detailed data on employment in each State.

Employment Trends

The Bureau uses its accumulated data and its experience in order to anticipate future developments in particular industries. This information serves the needs of vocational counselors and of agencies who are now concerned with reemployment problems.

In a special monthly bulletin, "Construction," the Bureau gives detailed statistics as to employment activities and trends in building construction. On the basis of its detailed analysis of construction operations in past years, the Bureau now furnishes estimates as to the number and types of workers required for future building programs.

The trends and the distribution of employment by the government are included in the regular reports of the Bureau. So, too, it has developed statistical records regarding military personnel, which are being used in the present demobilization and postwar periods.

The Bureau has also made studies of the effects of the war on more than 175 communities, and has thus provided the factual basis for implementation of State and local postwar plans.

New techniques in the production of goods are recorded in monthly bulletins and in other publications. Through this data, the Bureau assists employers, unions, and Government officials to determine trends in productivity and in technological innovations.

Data as to the flow of goods and services among the different industries are also compiled and published. The effects of changes in production and production techniques in one industry as they may offset other industries are thus analyzed from such data.

The rate of turnover, that is, the frequency with which workers leave

or are added to employment in each industry, and in individual concerns, is recorded. This information is highly useful to many unions and employers.

As to Wages

These studies constitute a considerable proportion of the Bureau's statistics.

From the reports which the Bureau receives, it is able to determine average weekly earnings, average hourly earnings, and estimates of the amounts of the payroll deductions. The Bureau has also had considerable experience in making studies of the wage structure of particular industries. The data for these studies has been gathered through visits made by Bureau representatives to typical plants. About 6,600 establishments, distributed among 69 cities, are included in the sources for this data. The Bureau's representatives use standard job descriptions, which have been developed in consultation with employer and labor organizations.

The wage stabilization programs have required a great volume of occupational wage-rate data. General and special studies have been made by the Bureau to meet the demands of the stabilization agencies.

The wage levels established by collective bargaining agreements in certain industries are also given detailed study by the Bureau.

A special study to cover the work and wage experiences of about 5,000 workers chosen from all parts of the country and from a variety of industries, is now in progress. Data as to education, training, experience, wages, migration, unemployment, and other economic and special characteristics of each worker and his family will be studied.

As to Work Conditions and Industrial Relations

Besides wages, data as to other work conditions and of labor relations, are analyzed by the Bureau. The sources of information are two: the visits to plants to obtain wage data, and current collective agreements. Copies of over 15,000 collective agreements are on file in the Bureau.

Detailed analysis of these agreements form the basis for reports on the extent and nature of paid vacations, sick leave, grievance procedures, seniority, dismissal pay, incentive wage systems, and many other problems.

The Bureau's file of collective agreements also serve as a source of information for labor organizations and employers who are in need of guidance in the preparation of agreements covering working conditions. The text of standard clauses in common use is frequently supplied in response to requests for this type of information.

The Bureau compiles monthly statistics on work stoppages resulting

from industrial disputes. This data, supplied by employers and union officials in response to questionnaires, includes the number of strikes and lockouts, the number of workers involved, and the working time lost.

Current developments which involve the activities of labor organization are constantly reported. For example, summaries of the proceedings of trade union conferences and conventions, a chronology of labor events, digests of legislation, and of court decisions and orders which affect labor, are reported by the Bureau.

The Bureau has made constant studies of the relationship between hours of work and productivity. These studies take into account various factors such as physical strain, mental fatigue, accident hazards, and type of operation. This information is important in the framing of maximum-hour legislation, and in providing special protection for women and children.

The Bureau prepares monthly summaries which show the frequency of accidents in over 80 manufacturing industries. The estimates of working time which is lost is also reported. Studies made by the Bureau cover the types of accidents, the causes, the common hazards in the industries, and the safety measures used. The relationship of the frequency of accidents to other work conditions is studied through actual plant visits made by specially-trained representatives.

As to Prices and Cost of Living

Data as to these subjects are gathered in about 75 cities monthly, and reports are made public about 30 days after the data are received. The prices of about 350 articles are studied. The data are based on the purchasing habits and living standards of low-salaried families.

Most of the price data are collected by field representatives in the course of actual visits to merchants and dealers. The cost of rents is obtained from tenants of about 75,000 dwellings.

Special surveys of the expenditures of selected families have been made. These studies have helped to determine the actual standards of living of American families.

The results of the studies are widely used by governmental and private organizations. Manufacturers and distributors of all types of commodities make use of this information in planning their future operations.

The Bureau also makes detailed studies of the types, membership, and operations of consumers cooperatives and credit unions.

Besides compiling data as to retail prices to consumers, the Bureau collects information as to the wholesale prices of commodities. It makes

this information public, both weekly and monthly.

The data as to prices are also analyzed to show the movements and trends of costs, and the results of the analyses are regularly published.

As to Labor Conditions in Other Countries

These are subjects which the Bureau has under constant study. Reports of these studies are continually published. Foreign labor legislation, the levels of earnings, trade union activities, social security measures, housing, consumer cooperatives, price movements and control are among the data which are surveyed.

We have not described all of the functions of the Bureau of Labor Statistics. However, we have attempted to give an idea of the nature and scope of its activities. Examinations of copies of the Monthly Labor Review, and of various other publications may give you a physical view of some of its work.

Division of Labor Standards

Let us now turn to a description of some of the functions of the Division of Labor Standards. Established in 1934, the primary function of this Division has been to provide facilities for research and advice on matters pertaining to labor legislation, safety codes, and the improvement of labor conditions. The Division has worked for the improvement of labor standards through conferences and advisory committees. It acts as a service agency to State Labor Departments and State officials, and to labor, employer, civic, and social groups interested in the improvement of work conditions.

"Labor Standards" is a broad term meaning accepted goals in the improvement of work conditions. Labor standards are guiding principles, laws, or operating rules for acceptable employment conditions. For example, they include protection against unreasonably long hours or unsafe work conditions, stabilized employer-employee relationships, fair wage rates, prompt and regular payment of wages, compensation for work injuries, for unemployment and other hazards of industry. Thus, it is obvious that labor standards are living, changing things. They are established by unions and employers through collective agreements, and by the legislator and the labor administrator through laws and regulations. Through their effects upon workers and upon production, labor standards virtually affect the life of the American people.

Labor Standards Legislation

The Division compares the existing standards in all States, it analyzes the effectiveness of these standards, and makes suggestions for improvements. In this way, it helps the States build upon each other's experience.

It arranges annual National Conferences on labor legislation, for the purpose of preparing suggested drafts for State legislation embodying recognized standards for certain types of labor laws. The State Governors appoint the representatives to these conferences, who are usually State labor administration officials, labor and employer representatives, and representatives of social, civic, and religious groups. The representatives carry back to their States an understanding of the common problems, and are thus able to take part in the general movement to solve these problems. Regional conferences are also arranged by the Division, to discuss specific local labor conditions and issues, and the ways of meeting them. By means of these conferences, Government labor officials and representatives of organized labor are able to pool their knowledge of specific labor problems and the ways to control the abuses connected with them. The Division furnishes technical and legal assistance. As a result of these activities, guides for State legislation have been agreed upon for wages and hours, regulation of private employment agencies, wage payments, collection of wage claims, and industrial homework.

Standards for Administration

Labor legislation, to be effective, must be carefully administered. The enactment of a well-prepared bill will not give the desired protection to the worker. New legislation must be supplemented by rules and regulations. It must be carefully explained to employers and workers so that they may abide by its provisions. It must be evenly enforced.

Upon request, the Division sends an experienced representative to aid a State in evaluating its procedures, in establishing more effective ones, in developing rules and regulations, and in training a new staff.

Where a group of States requests a training program for their inspectors, the Division aids in organizing the program, supplies instructors, and borrows experienced inspectors from other States. Often these training courses are conducted in cooperation with a university in the locality. The studies will center around the best-known methods of finding and correcting health and accident hazards, and of inspection for compliance with wage, hour, and child-labor laws. The instruction is practical and inspection visits are made to examine actual situations.

An inspection manual, prepared by the Division in collaboration with experienced administrators, has been placed in the hands of every labor-law inspector in the country. It outlines the procedure for enforcement of each major type of labor law; it discusses general policies; and it illustrates types of records and posters that have been found effective.

Digests of Labor Legislation

To keep all interested persons and groups informed as to current labor legislation, the Division publishes brief summaries of labor bills which are pending in each State legislature, during the legislative

sessions. At the close of each year, it publishes a digest of all labor laws, State and Federal, which are enacted during that year.

Safety Standards

The interest of labor, management, and the public in reducing the heavy toll of work accidents and diseases, requires a study of the danger spots and a search for methods of prevention. The Division places safety engineers and industrial hygienists at the disposal of State or trade advisory committees for the preparation or revision of health and safety codes. It acts as a clearing house for State experiences in the administration of these codes. It provides expert service to groups or agencies that are studying hazards in particular industries.

To advance general understanding of health and safety problems, the Division prepares and widely distributes leaflets on specific occupational diseases. It provides safety exhibits. It prepares photographs for use in slides, film strips, and in the preparation of technical articles.

Public Exhibits

Public support for improved labor standards will be a result of general knowledge of existing conditions. Interested groups find it useful to portray, at public gatherings and at meetings and conventions, some of the existing labor conditions and problems with which they are concerned. Through the special skills and resources of the Division, an exhibit service is made available to these interested groups. The Division makes and lends colorful panels, miniature stage sets, and dioramas which portray phases of the work and living conditions of the Nation's wage earners and their families and which suggest ways and means for bettering these conditions. Several of the cards which are posted here to describe the functions of the Bureau of Labor Statistics is a poor copy of a portion of an exhibit prepared by the Division. The full exhibit is 1.8 meters long, 1.2 meters high, and 0.6 meters deep. It bears an electric lighting arrangement. It also shows a group of movable charts and diagrams which is made available by the Bureau of Labor Statistics.

Publications

The publications of the Division take the form of bulletins, pamphlets, charts, and maps which deal with one or more types of laws or problems. A monthly periodical, "Labor Information Bulletin," also contains various of the materials developed by the Division.

Child Labor Standards

Let us refer to two new functions of the Division. One is the work of administering the child labor provisions of the Fair Labor

Standards Act. The other is its very recently added task to assist in the development of labor education standards.

The Children's Bureau of the Department of Labor no longer exists. Some of its general welfare activities have been transferred to another government agency. Its function in the administration of the child labor provisions of the Fair Labor Standards Act has been taken over by the Division of Labor Standards, a little over two months ago. The law now forbids the movement between states of any goods which have been manufactured by the use of the labor of children under 16 years of age. Children under 16 years of age may be employed in certain occupations, provided the Children's Bureau (now, the Division of Labor Standards) grants permission. Besides, the Children's Bureau (now, the Division of Labor Standards) may prohibit the employment of minors between 16 and 18 years old in occupations which it finds to be hazardous.

You can appreciate how this new function involves the application of labor standards. It represents, however, the first occasion of the actual administration of a law by this Division.

Labor Education Standards

The function of the Division of Labor Standards in the establishment of labor education standards is very new—hardly more than several weeks old. It is probably too early to speak of this important activity, in detail. However, it may be well to describe some of the steps which preceded the adoption of this new function.

Early this year, the Department of Labor requested labor organizations to render assistance in planning a program of labor education. An advisory committee was formed. The expressed aim of the committee was to promote amicable industrial relations through encouragement of voluntary programs of labor education directed toward the training of capable union leaders, and to help the membership to become well-informed as to the rights and responsibilities of unionism. The activities suggested by the committee included: the assistance of unions, universities, and other organizations and institutions to develop programs of labor education; the supplying of pamphlets, bulletins, lecture outlines, and visual aids for such education; the establishment of a clearing-house for exchange of labor information and for requests for speakers and for conference leaders. All of these activities will now be undertaken by the Division of Labor Standards.

Summary Outline

We have outlined the activities of only two of the branches of the Department of Labor. Do not assume that the activities of the other branches are of lesser significance because only brief reference has been made to these. Quite the contrary is true.

File #1408

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific SectionAPO 500
22 April 1948

319.1 (22 Apr 48) ESS/LA

SUBJECT: Transmittal of Labor Material

TO: Military Government Team Labor Officer

1. "The Labor Situation in Germany" is an article by Arnold Zemple which appeared in February, 1948 issue of the Military Government Journal. Mr. Zemple, a member of the Office of International Labor Affairs of Department of Labor, recently visited the occupied zones of Germany.
2. His discussion will be of immediate and great interest to all Military Government Officers, especially those concerned with labor problems. Particular attention is called to Mr. Zemple's discussion of workers' councils and co-determination.
3. It might be noted that, because of separate authority exercised by occupying nations in their various zones, problems presented by Communist propaganda are met differently in Germany than in Japan. Yet in many ways, the problem is similar.

1 Incl
Article, titled
"The Labor Situation
in Germany."

W. F. Marquat
W. F. MARQUAT
Major General, U. S. Army
Chief, Economic and Scientific Section

THE LABOR SITUATION IN GERMANY*

by
Arnold Zemple.

The trade unions in pre-Hitler Germany were divided into three major groups, the Free Trade Unions, the Christian Trade Unions, and the Hirsch-Duncker Unions. Each group was identified with a particular political movement and represented a special trade union philosophy. The present trade union movement, however, is united and, except for white-collar workers in some fields, organized on an industrial basis. The total membership for all of Germany under Allied Control is estimated to be over eight million. The membership reported for the Soviet Zone, which is said to have the highest percentage of unionization, is almost equal to that of the three western zones. Consequently, the Communist-dominated Berlin unions, with a membership of 600,000, hold a balance-of-power position. The western unionists, however, question the reliability of the membership statistics for the Soviet Zone.

Federations of the industrial unions have been organized in the various Laender (States) in the western zones. Zonal federations have been organized in the British and Soviet areas, while there are only informal working committees representing the federations of the various Laender in the French and American areas. The federations in the western zones provide for either complete or a high degree of autonomy for the Industrial unions, whereas the federations in Berlin and the Soviet Zone are highly centralized and the industrial unions are hardly more than departments. The Soviet Zone centralization also extends to the Land (State) organizations which are in reality only regional sections in the zonal federation. This centralization permits the organizations to be controlled by a small, but well-disciplined, group of Communists and Communist collaborators at the top.

The unions in the British and U.S. Zones recently established a bizonal secretariat at Frankfurt which may be regarded as a preliminary step toward the organization of a bizonal federation. Some of the industrial unions in the British and U.S. Zones are also taking steps to form bizonal organizations. The railway unions have taken the lead, but progress is also being made by unions in other industries, particularly the metal trades, food processing, and chemicals.

At the sixth interzonal conference of trade union representatives from all four zones and Berlin held at Bad Pyrmont (British Zone) in October, 1947, a resolution was adopted by a narrow margin providing for a Congress to be held in the spring of 1948 for the purpose of electing a General Commission of German Trade Unions and an Advisory Council to the Commission. The next interzonal conference, scheduled to be held early in February, will consider proposals on organization to be submitted by a working committee. Because of their control of the union federations in the Soviet Zone and Berlin, the Communists expect to dominate such a Germany-wide federation whenever it may be formed. The western unionists do not oppose unity for reasons connected with political factors—since unity has a universal appeal in Germany—but they want to postpone the decision to form an all-Germany federation until they can be assured that the Communist group will not control it. Thus, as necessary conditions for their participation in such a federation, the western unionists have insisted that democratic unionism should first exist throughout Germany, that industrial unions should be administratively and financially autonomous in the federation, and that there should be a check on the reliability of membership statistics in the eastern area. Neither group, however, is prepared to take any step which may result in an open break because, for political reasons, if a break comes each side wants to be able to place the blame on the other side or on one or the other of the Allied powers. In addition, the western union leaders are placed under considerable pressure to maintain contacts with the Soviet Zone by the Communists in their ranks who base

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In order to strengthen the position of the unions as the foremost labor organizations in Germany, the Allied Authorities have confined the jurisdiction of the works councils to individual enterprises and required their functions to be carried out in cooperation with the trade unions (Control Council Law No. 22). Recognizing the possibility that the competition of the independent works councils might endanger the fulfillment of their economic and social programs, the unions are attempting to exert as much authority as possible over the activities of the works councils, largely through establishing fully democratic election procedures to counteract Communist tactics and promoting the election of non-Communist union members, loyal to union policies and programs, as councillors.

German trade unionists are overwhelmingly in favor of socialization of key industries, such as mining, iron and steel, chemicals, and electric power. This sentiment extends to the Christian Democratic elements. The Christian party leaders are not particularly sympathetic to socialization but do not oppose it openly because of the strong support for socialization among the Christian trade unionists.

There is considerable variation and a lack of definiteness in trade union thinking as to specific plans for socialization. Many trade unionists emphasize that they distinguish between socialization and nationalization, explaining that nationalization would lead to a greater amount of bureaucracy than desirable. They propose, generally speaking, the establishment of a board for each industry, composed of management and labor representatives, which would determine managerial policies and apparently also manage the industry. Some suggest that such boards should also include representatives of the public. While trade union leaders are apparently opposed to compensation for owners identified with the Nazis, they indicate that compensation should be provided for others.

Union leaders in both the U.S. and British Zones have proposed that the existing chambers of industry, commerce, and handicraft be abolished and that new economic chambers, with equal representation of labor and employers, be established at various governmental levels. These new chambers, in their opinion, should be the agencies which plan and guide programs for the economic reconstruction of Germany. The trade unionists feel that employers are over-represented in economic planning at present and in particular that they have too much influence, compared to labor, on the activities of the bizonal economic organization. Labor's participation in bizonal affairs could be increased significantly by the establishment of a department for labor in the bizonal organization, alongside the existing departments for economics, food and agriculture, transport, communication, finance and civil service.

An important labor issue in Germany today centers around the degree of codetermination (mitbestimmungsrecht), if any, which should be permitted. Co-determination—that is, labor participation through works councils in the management of plants—relates to three aspects of plant operation: employment conditions and social matters (welfare, safety, recreation), personnel matters (hiring, dismissal, promotion, etc.), and economic matters (price policy, production programs, etc.). German labor legislation during the Weimar Republic provided for a limited amount of co-determination, though it was never really effective in the economic sphere.

The Communists want complete veto power over all managerial actions in the economic as well as in the social and personnel spheres. This position is undoubtedly taken because it is calculated to create the most embarrassment for the Social Democratic and Christian labor leaders. The non-Communist trade union leaders on the other hand attach much more importance to the representation of labor in the preparation of programs for economic reconstruction than to co-determination on a plant basis. However, as long as the unions are restricted to a minor role in the economic agencies they are under pressure because of Communist propaganda to urge a greater degree of co-determination at the plant level than they would otherwise desire in order to demonstrate that they are getting something for the rank and file members. While all labor groups are on record for co-determination

THE LABOR SITUATION IN GERMANY*

by
Arnold Zemple

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their propaganda for an all-Germany federation upon the general German desire for political and economic unity. The western leaders also do not like to break completely with the Soviet Zone as they would thereby lose their contracts with the non-Communist union workers in that area.

While there are no exact figures on the political affiliation of workers, it is estimated that in the three western zones 10 to 15 per cent are Communists and 70 to 75 per cent Social Democrats. The rest are former Christian trade union or independent groups, generally voting with the Christian parties. Only a small proportion of the workers, however, are actual members of the various parties.

Whether Christian union elements will break away from existing unions and form separate Christian trade unions, as in the pre-Hitler period, will depend to a large extent on the influence that the Communists are able to secure in the present unions. If the Communists gain strength significantly or if the Social Democrats follow a policy of appeasement toward them, the Christian elements will probably decide to form separate organizations. There is, however, no significant effort on the part of Christian elements to form their own unions at present and they are not likely to separate from the united trade union movement during this period.

In order to understand the political and administrative aspects of unionism in Germany it is necessary to appreciate the role of the works council, an institution which does not exist in the United States. A works council is an organization representing all the workers in a given establishment whether or not they belong to a union. Works councils were first provided for by law in Germany in 1920 and are permitted at present under Control Council Law No. 22. It should be emphasized that works councils have a legal existence entirely independent of the unions and may be established in plants which have no union members as well as in those that are almost entirely unionized. Works councils handle the plant problems of workers, such as grievances, and in addition administer, as they apply to particular plants, the provisions of collective agreements concluded between the unions and the employers' associations for the various industries. Such matters in the United States would be handled by union locals. Compared to the typically older, pre-Hitler leadership of the trade unions, works council leadership generally consists of young, aggressive men who are close to the workers. As a consequence, works councils have often been in conflict with the unions. Because of their aggressiveness and tight discipline, the Communists have succeeded in being represented in greater proportion in the works councils than they are among the workers. Communist influence in the unions, generally speaking, is much weaker than in the works councils. Recent elections of works councillors, however, indicate that Communist influence in the works councils shows evidence of waning. For example, unofficial estimates of works council elections in the Ruhr coal mines, held in October 1947, show that Communist councillors declined from 39 per cent in 1946 to 31 per cent in 1947. The complete results are as follows:¹

Percentage of Works Councillors by Party
Affiliation (Estimates)

	1946	1947
Social Democrat.	42	46
Communist.	39	31
Christian Democrat.	14	14
Non-party.	5	9

Definite increases are shown in the Social Democratic and Non-party councillors. The Non-party group is probably closely allied with the Christian group. Generally speaking, the proportion of Communist works councillors in the western area is considerably less than that indicated above for the Ruhr mines. The Communist influence is strongest in the coal mines, the metal trades, and the chemical industry.

¹Based on data reported in Daily Excerpts from German Publications, 10 November 1947, Research and Statistics Branch, Manpower Division, OMGUS.

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There is considerable variation and a lack of definiteness in trade union thinking as to specific plans for socialization. Many trade unionists emphasize that they distinguish between socialization and nationalization, explaining that nationalization would lead to a greater amount of bureaucracy than desirable. They propose, generally speaking, the establishment of a board for each industry, composed of management and labor representatives, which would determine managerial policies and apparently also manage the industry. Some suggest that such boards should also include representatives of the public. While trade union leaders are apparently opposed to compensation for owners identified with the Nazis, they indicate that compensation should be provided for others.

Union leaders in both the U.S. and British Zones have proposed that the existing chambers of industry, commerce, and handicraft be abolished and that new economic chambers, with equal representation of labor and employers, be established at various governmental levels. These new chambers, in their opinion, should be the agencies which plan and guide programs for the economic reconstruction of Germany. The trade unionists feel that employers are over-represented in economic planning at present and in particular that they have too much influence, compared to labor, on the activities of the bizonal economic organization. Labor's participation in bizonal affairs could be increased significantly by the establishment of a department for labor in the bizonal organization, alongside the existing departments for economics, food and agriculture, transport, communication, finance and civil service.

An important labor issue in Germany today centers around the degree of codetermination (mitbestimmungsrecht), if any, which should be permitted. Co-determination—that is, labor participation through works councils in the management of plants—relates to three aspects of plant operation: employment conditions and social matters (welfare, safety, recreation), personnel matters (hiring, dismissal, promotion, etc.), and economic matters (price policy, production programs, etc.). German labor legislation during the Weimar Republic provided for a limited amount of co-determination, though it was never really effective in the economic sphere.

The Communists want complete veto power over all managerial actions in the economic as well as in the social and personnel spheres. This position is undoubtedly taken because it is calculated to create the most embarrassment for the Social Democratic and Christian labor leaders. The non-Communist trade union leaders on the other hand attach much more importance to the representation of labor in the preparation of programs for economic reconstruction than to co-determination on a plant basis. However, as long as the unions are restricted to a minor role in the economic agencies they are under pressure because of Communist propaganda to urge a greater degree of co-determination at the plant level than they would otherwise desire in order to demonstrate that they are getting something for the rank and file members. While all labor groups are on record for co-determination

with little or no limitation, discussions with Social Democratic and Christian labor leaders indicate that they would be willing to compromise for participation with management in handling social and personnel matters, excluding executive personnel. On economic matters, they desire information or consultation.

There is a tendency on the part of both union leaders and employers, in keeping with German tradition, to prefer solution of the co-determination issue by legislation rather than by collective bargaining. In this connection it may be noted that the British authorities, under Ordinance 57, do not permit Land Legislatures in their zone to enact laws on such labor matters. Instead, they have encouraged management and labor to settle the co-determination issue by collective bargaining. On the other hand, in the U.S. Zone, in view of our policy of returning large areas of jurisdiction to the German authorities, the Germans are following their traditional pattern by preparing to implement their constitutions by enacting comprehensive laws on co-determination.

The Hessen Constitution makes the following provision for co-determination:

(Article 37.)

"The duty of the employees representative bodies is to exercise the right of participating on equal terms with the management in the solution of social, personnel and economic problems of the enterprise in collaboration with the labor unions.

"Details are regulated by law."

The constitutions of the other Laender have somewhat similar provisions. In the case of the Bremen constitution, the last to be adopted in the U.S. Zone, the Military Governor stated in the letter of approval² that "any implementing legislation under Article 47," which relates to the rights of works councils, will be examined "to ascertain that it comes within the purview of Control Council Law No. 22" and that such legislation "must conform to the general pattern of industrial management established for Germany as a whole." Furthermore, he stated that: "Any substantial change in the methods of industrial management should not only be consistent with a uniform pattern, but also represent the considered opinion of the people of Germany as a whole." The effect of this reservation is to postpone settlement of the co-determination issue by legislation "until the future political structure of Germany has been established." However, the Military Governor added: "Meanwhile, individual works councils, in agreement with the trade unions, have every right to develop their own relationships with management in collective bargaining." This statement would appear to mean that unions and works councils, acting jointly, may secure co-determination, if possible, by collective bargaining with employers. Thus, the U.S. Military Government position on co-determination would appear to be very close to that of the British. However, U.S. Military Government is said not to have made similar reservations to the Hessen, Bavarian and Wuerttemberg-Baden constitutions, and any restrictions placed now on their implementation will undoubtedly be regarded by the Germans as a breach of faith on our part.

In the meantime, legislation is being pressed in the various Laender in the U.S. Zone. While the bills introduced will undoubtedly be modified during their course of consideration in the legislatures, Military Government will be confronted with the problem of approving or disapproving, in whole or in part, the laws enacted. The final decision on co-determination, therefore, must be made by Military Government, a decision largely political in nature because of the desirability of reaching a solution which will retain the support of the non-Communist union elements that have cooperated with Military Government and which constitute the strongest single force in Germany for the development for democracy. If Military Government takes a strong stand against co-determination and does not approve the laws in

²OMGUS, Report of the Military Governor, German Governmental Organization and Civil Administration, August-September 1947, pp. 1-2.

any form, or approves them only in a form which the non-Communist union leaders consider inadequate, these leaders, in the opinion of some observers in Germany, would be required to oppose this position if they would continue to hold their leadership in the face of Communist pressure.

The most important task facing the development of free, democratic unions in Germany today is checking the influence of the Communists. If non-Communist leaders are not able to secure any substantial economic or social benefits for the rank and file, the latter will tend to come under the influence of the Communists who are attempting to use the labor movement to control the working classes and obstruct the occupation, all in line with similar policies of obstruction being pursued in France and Italy. The western zones are being flooded with propaganda from the Soviet Zone and Berlin unions, which apparently have access to all the newsprint and facilities required for this purpose, whereas the western unions have very limited facilities available for their operations. The non-Communist leaders require material and moral support in developing free, democratic unions, which have the opportunity to participate in reconstructing the economic and social life of the people and to engage in free, collective bargaining along lines adapted to German customs and practices and the democratically expressed desires of the German people.

Immediate tangible support to the democratic union leadership and other democratic elements in Germany can be given by providing adequate supplies of newsprint, from abroad if necessary, and other types of assistance required to make their efforts successful, such as transportation facilities and office supplies. Particularly essential is the provision of books, equipment and supplies for union schools needed for training young trade union leaders to fill the gap caused by the suppression of unions during the Nazi regime.

Economic problems affecting the welfare of the entire population are of foremost importance in Germany today. Attention will be directed briefly to some of the more urgent economic problems which affect the working population and their union organizations. The shortages of food and clothing, especially shoes, are too well known to require elaboration. The requirements for coal, steel, transport, housing and consumer goods generally have also been widely discussed. Incentives to produce by employees and employers have been considerably reduced because of the shortages of goods and the large supply of money relative to goods, compared to the prewar period. Except as necessary to purchase such rationed goods as are available at official prices, there is little incentive to work for money. Hoarding of raw materials, finished goods, and agricultural products in anticipation of financial reform, is said to be common.

As a consequence of these factors wage controls are becoming increasingly difficult to enforce and additional payments to workers in the form of goods are prevalent. The greatest dissatisfaction with the wage structure exists in industries, such as the public services, which do not produce goods which can be used for payments in kind. The situation of workers in these industries is particularly serious.

Except for limited adjustments, wage rates have changed little from the Nazi period, whereas weekly earnings have dropped due to the shorter work week and the prevalence of short-time work, the elimination of premiums for war risks, and the shift in employment from the high-wage war industries to the low-wage peacetime industries. Wage adjustments, achieved by means of collective bargaining, may be made to raise minimum wages to 50 pfennigs per hour and to provide for "increases in wages of women and minors to the same levels paid to men for identical work with identical productivity."³ Wages of the lower wage groups particularly require further upward adjustment to provide a minimum for bare subsistence. Military Government may also "reclassify industrial areas into higher-or-lower-wage classes" if justified by changes in economic conditions.⁵ In addition, adjustments to equalize the wage structure, distorted particularly by the Nazi policy of increasing wages in the war industries at the expense of

³OMGUS, Modifications of Wage Policy, 3 October 1946.

the others, have been made for coal mining and are being considered in other so-called "problem" industries, particularly building construction, building materials, textiles, mining (other than coal), clothing, railroads and forestry. Even these limited powers for wage adjustment have not been widely exercised as yet in the western zones. Financial reform, coupled with an effective program tied in with the Marshall Plan for assistance in industrial rehabilitation and provision of necessary consumers goods, is clearly essential to enable efficiency of production to be increased and make possible extensive increases in real wages, to set the basis for relaxing and finally eliminating wage and price controls and developing full collective bargaining, and to provide adequate incentives for employers and employees to engage in productive activity.

There is relatively little registered unemployment in western Germany and shortages of certain types of labor, such as common laborers and construction workers, exist. Labor office statistics, however, do not adequately reflect the real situation due to such factors as sham employment to secure ration cards and the practice frequently followed by employers of maintaining their personnel above required levels in anticipation of high levels of operation in the future. Also, in attempting to judge the potential labor supply, the sharp decline in the productivity of labor, due to food deficiencies as well as other factors, must be considered. Increases in the supply of labor to meet the ultimate requirements of the level-of-industry plan will depend largely upon increasing the productivity of workers and to bringing larger numbers of women into employment. Financial reform will also force employers to watch costs more closely, thereby reducing sham employment and hoarding of workers. By coordinating the economy of western Germany with that of the rest of Europe, as envisioned by the Marshall Plan, it should be possible to achieve an improvement in the standard of living and give the German people further encouragement to develop democratic institutions and the hope required to withstand Communist pressure, as well as make the western zones self-supporting financially and assist recovery in other European countries.

File #1409

*Questions
and
Answers
about*

**THE AMERICAN FEDERATION
OF TEACHERS**



A national classroom teachers' organization affiliated with the American Federation of Labor — an organization of more than seven million members which has a rich tradition in the support of public education in America and a current education program including essentially all of the important professional problems facing the teachers of the nation.



Democracy in Education • Education for Democracy

Questions and Answers

1. What is the American Federation of Teachers?

The American Federation of Teachers is a rapidly growing national professional organization of classroom teachers affiliated with the American Federation of Labor.

2. When was it organized?

It was organized April 15, 1916, and affiliated with the American Federation of Labor, May 9, 1916.

3. How was this organization effected?

A few locals, directly affiliated with the A. F. of L., under the leadership of a few teachers of vision who were thinking in terms of community interest and social progress, met in Chicago, drew up a constitution and applied to the A. F. of L. for a charter as an international union of that body.

4. What is the system of organization?

The A. F. of T. is made up of more than 350 locals (or local unions) in cities and towns from coast to coast. These locals are usually affiliated with local and state labor bodies. Groups of seven or more teachers in public schools or colleges may be granted charters upon application to the Executive Council and upon payment of a fee of ten dollars to cover the cost of the charter, seal, and supplies.

5. Why did the A. F. of T. affiliate with the A. F. of L.?

The A. F. of T. affiliated with the A. F. of L. because it recognized that organized labor was the major instrumentality in establishing our system of free tax-supported schools, has been their con-

stant and consistent protector and defender, and has an advanced educational program second to none.

6. What is the educational program of the American Federation of Labor?

The program of the A. F. of L. includes: Federal Aid to equalize educational opportunity; better enforcement of the educational laws; wider use of the school plant; reduction in the size of classes; revision of teachers' salary schedules upward; increase of school revenues to maintain and develop public schools; co-operation between boards of education and superintendents and committees representing the teaching body in all cases of controversy between school authorities and teachers; tenure of position for teachers during efficiency; sound pension laws; protection of the schools from propaganda and all forms of exploitation; labor representation on school boards; compulsory attendance laws; free text books; opportunity for every child to receive adequate educational advantages; opposition to all attempts to curtail educational opportunities at any time.

7. What has the American Federation of Labor done in recent years in the field of Federal Aid to equalize educational opportunities?

The American Federation of Labor has had a large part in the drive for Federal Aid in recent years. President Roosevelt's Advisory Committee on Education which strongly recommended Federal Aid had its origin in action taken at the 1935 convention of the A. F. of L. At annual conventions of the A. F. of L. since 1936, the general principle of Federal Aid to equalize educational opportunity has been approved. The permanent Committee on Education of the A. F. of L. assisted in drafting the Federal Aid Bill of 1939 and subsequent bills. In 1939, William Green, President of the A. F. of L., appointed the chairman of the Permanent Education Committee, the Southern Representative of the A. F. of L., and the Secretary-Treasurer of the American Federation of Teachers to appear before the Senate Committee on Labor and Education to testify in favor of the Federal Aid Bill which was based on the report of the President's Advisory Committee on Education. Repeatedly since 1939, spokesmen for the A. F. of L. have testified in favor of Federal Aid to Education. The Ameri-

can Federation of Labor also sponsored a bill to provide more adequately for vocational education in America.

Dr. Floyd Reeves, who served as Chairman of the President's Advisory Committee on Education, has stated that the American Federation of Labor has done more than any other group in the Nation to implement Federal Aid to Education.

The Permanent Committee on Education of the A. F. of L. studied, and in some instances, modified, the programs of the National Youth Administration, the Civilian Conservation Corps, the Office of Education, and other governmental agencies in the field of education.

The A. F. of T. and the A. F. of L. were responsible for important provisions in the educational phases of the G.I. Bill of Rights which made the bill which was finally adopted far more comprehensive and democratic in its educational program than the bill which was originally introduced.

8. Does the American Federation of Labor urge its affiliated state and local labor bodies to work for better educational facilities and proper working conditions for teachers?

The A. F. of L. has a rich tradition in support of better educational facilities for children and better working conditions for teachers. In February, 1940, for instance, the Permanent Committee on Education of the A. F. of L. sent to all affiliated state federations of labor and central labor bodies in cities and towns from coast to coast the strongest and most comprehensive program ever issued by any powerful lay group in America in defense of adequate public education and the rights of classroom teachers. In this statement, which was mailed from the A. F. of L. headquarters in Washington, state federations and local labor bodies were instructed to work for: adequate financial support for schools; tenure, retirement and better salaries for teachers; class-size not to exceed twenty-five pupils; curriculum revision in terms of community needs; academic freedom; and Federal Aid to equalize educational opportunities. In fact, the program included essentially everything for which the teaching profession has worked for years. (Copies may be secured from the office of the Secretary-Treasurer of the American Federation of Teachers.)

9. Has the American Federation of Labor attempted to secure better educational facilities through political action?

During the summer of 1940, President William Green and Secretary-Treasurer George Meany of the A. F. of L., went before the resolutions committees of both the Democratic and Republican conventions and requested, among other things, political planks in favor of Federal Aid to education, adequate provisions for vocational education (thus anticipating a vital national defense need which many educators failed to see), and expansion of the Department of Labor which includes many educational and welfare activities. As a result of these requests, the Democratic Party adopted one of the strongest statements on education ever adopted by any major political party in America.

In 1944 President William Green again appeared before the resolutions committees of the Democratic and Republican conventions. Departing from a prepared manuscript, President Green delivered an impressive plea to the Committee on Resolutions of the Democratic convention to support Federal Aid to education. This emphatic statement on behalf of several million workmen of the United States is known to have had much to do with the Committee's decision to support Federal Aid and with the late President Roosevelt's decision to support a Federal Aid program.

10. Has the American Federation of Labor taken action to protect education during the crisis facing the schools in recent months?

The American Federation of Labor was the first powerful lay group in America emphatically to protest retrenchment in education and cutting of school budgets during World War II. On October 15, 1940, the Permanent Committee on Education of the A. F. of L. met at its Washington headquarters with representatives of all major educational agencies of government including the U. S. Office of Education, Federal Board for Vocational Education, Federal Apprenticeship Board, the C. C. C., the N. Y. A., and educational agencies of national defense. After conferring with this group, the A. F. of L. Committee on Education prepared a statement on education and requested President Green of the A. F. of L. to present the statement in person to the President of the United States. A few days before the 1940

convention of the A. F. of L. in New Orleans, President Green conferred with President Roosevelt regarding education in relation to the national defense program. ONE OF THE FIRST REQUESTS PRESENTED TO PRESIDENT ROOSEVELT WAS THAT THERE SHOULD BE AN EXPANSION OF OUR EDUCATIONAL INSTITUTIONS — RATHER THAN RETRENCHMENT — DURING THE WAR PERIOD. Much of the report related to an adequate program of vocational education in connection with the national defense.

The A. F. of L. conventions during the war and the post-war period emphatically protested the cutting of school budgets during the emergency. The 1941 convention declared that education is the first line of national defense and as such should be extended rather than curtailed. If the education program of the A. F. of T. and the A. F. of L. had been carried out in full during the war and the post-war period, there would be no crisis in American education today.

11. What are the chief objectives of the A. F. of T.?

Just as the objectives of any bona fide trade union are (1) to improve the craft, and (2) to improve the working conditions of the members of the craft, so also the chief objectives of the American Federation of Teachers are (1) to improve the educational facilities for the children of the Nation, and (2) to improve the working conditions of the teachers in the public schools. These two objectives are inseparable since it is impossible to provide efficient educational services in the classroom unless teachers work under conditions which are consistent with the important position which they occupy in a democratic society.

Included in the first objective of improving the craft is the professionalizing of teaching through organization of teachers in such strength that they may be in a position to determine their own status, to decide questions of professional conduct and terms of contract, and to exercise fully their rights as citizens as well as teachers. Only through strong and effective organization will teachers be able to assume the place of leadership to which they are entitled so that the best and strongest may be attracted to the teaching profession and, as free men and women, be fit

builders of the citizens of tomorrow in a free republic.

12. What are the objectives of the American Federation of Teachers as stated in its constitution?

The objectives of this organization shall be:

1. To bring associations of teachers into relations of mutual assistance and co-operation.
2. To obtain for them all the rights to which they are entitled.
3. To raise the standard of the teaching profession by securing the conditions essential to the best professional service.
4. To promote such a democratization of the schools as will enable them better to equip their pupils to take their place in the industrial, social, and political life of the community.
5. To promote the welfare of the childhood of the Nation by providing progressively better educational opportunity for all.

13. Is it professional to belong to a union?

In affiliation with the American Federation of Labor we find thousands of leading scientists and technicians of the country in the employment of various government bureaus, physicians in the health departments of some of our large cities, technical engineers, aviation engineers, musicians, actors and teachers in public schools and universities. It is interesting to note that nearly all of the members of the great symphony orchestras are members of the American Federation of Labor. The air-line pilots on transport planes who are highly educated in at least three phases of science are practically 100 per cent organized in the American Federation of Labor. Unionization of pilots has added much to the safety of air transportation and to the advancement of the science of aviation. Will Rogers, noted humorist and philosopher, was a member of the pilot's union.

The Actors' Equity, the Musicians' Union, the Federal Employees, the Civil Engineers, the physicians in health departments have not found that affiliation with the American Federation of Labor has brought a loss of professional standing.

Many famous persons have served as officials of A. F. of L. unions. Lawrence Tibbett has served for a number of years as President of the Ameri-

can Federation of Musical Artists. Robert Montgomery has served as President and Joan Crawford as Vice President of the Movie Actors' Guild. Dr. George S. Counts of Columbia University has served as President of the American Federation of Teachers. Dr. Floyd W. Reeves of Chicago University and Dr. John Childs of Columbia University have served as chairmen of the Commission on Educational Reconstruction of the A. F. of T.

14. What essentials are required in making teaching a profession?

Included in the essentials of a profession are: adequate compensation for services rendered; democratic working conditions; tenure during efficiency; participation in school administration; determination of the standards that control teaching and teachers. Just as medicine and law were made professions chiefly because their own members fixed the standards of their callings, so also the standards of the teaching profession must be determined by ideals that find favor not merely in the eyes of those who control these positions, but in the eyes of those who do the actual work. Non-union associations have failed to provide these essentials of professionalism.

15. Are many prominent educators affiliated with the American Federation of Teachers?

Hundreds of prominent educators in America are members of the American Federation of Teachers. Included in this number are such prominent men and women as Dr. Floyd Reeves, Chairman of the President's Advisory Committee on Education; Dr. John Dewey, internationally known educator; Dr. George S. Counts, Professor of Education, Columbia University; Miss Florence Thorne, director of research of the American Federation of Labor; Miss Selma M. Borchart, vice president for the Americas of the World Federation of Education Associations; Dr. John Childs, Columbia University, and many other nationally known educators.

16. Why is affiliation with the American Federation of Teachers sometimes opposed?

Since the A. F. of T. is an organization of classroom teachers, there has been opposition to it among old line educators who fear any innovation originating with the teachers themselves, rather than with administrative officials. Those administrators who depend upon political activity

rather than professional ability in maintaining their positions are especially fearful of any movement which would actually give power and protection to classroom teachers. Many able and conscientious school administrators recognize the A. F. of T. as a medium for improving educational facilities.

Some teachers and administrators who are unfamiliar with the true objectives and principles of the American Federation of Labor believe that it is beneath their dignity to affiliate with an organization which is made up of laborers and skilled workers as well as white-collar workers. Many teachers of the Nation are entirely ignorant of the rich tradition of the American Federation of Labor in the field of education.

The real reason for opposition, however, is one seldom expressed. The teachers' unions are opposed because they are powerful. It is recognized that teachers, by their labor affiliation, add immeasurably to their professional strength. It is highly significant that those organizations and agencies which have consistently opposed adequate public education have been the strongest opponents of affiliation of teachers with organized labor. These groups recognize that organization of teachers into unions would mean better schools and higher salaries for teachers — and they are unwilling to pay the costs of these improvements.

17. What benefits accrue to teachers from affiliating with labor?

Labor affiliation makes possible a strong and courageous position on all matters which affect public education. The story of free education in America is the story of the constructive efforts of organized workmen whose children comprise the great majority of the attendance in the American public schools. Whenever well considered, progressive, courageous proposals have been made for the improvement of public education, labor has supported them and fought to bring about their adoption. The outstanding benefit, therefore, which comes to teachers from affiliation with labor is the sense of security possessed by the individual, who knows that in standing for public-spirited educational objectives he does not stand alone. The courage engendered by this support makes of the teacher a self-respecting American citizen able to make constructive suggestions for the welfare of the schools, and fit to

train the future citizens of a democracy. Elimination of fear on the part of the teacher and the establishment of kindly, helpful, constructive supervision will add greatly to the efficiency of classroom teaching.

18. In what way will a teachers' organization be strengthened by labor affiliation?

Local teachers' associations may increase their power and influence in the community tremendously through fraternal affiliation with thousands of organized workers. For instance, in a typical American city of 100,000 population, a local teachers' association with five hundred members—by affiliation with the A. F. of T.—may immediately become a part of an organization of 10,000 members. Thousands of citizens in a community can accomplish what hundreds cannot hope to do. More important than mere numbers, however, is the fact that local labor bodies have been instructed by numerous pronouncements of A. F. of L. conventions to fight for full terms of school, adequate financial support of schools, better salaries for teachers, tenure, retirement, democratic administration, and so forth. Teachers' organizations which are directly affiliated on a fraternal basis can render excellent service by assisting local labor bodies in carrying out this program. Many of the strongest and most successful A. F. of T. locals were organized because local teachers' associations had proved ineffective in solving the problems of the classroom teachers. A teachers association, therefore, becomes more professional when it affiliates with the A. F. of T. because it greatly augments its power to serve both children and teachers.

19. Does organized labor favor having representatives of labor on boards of education?

In declaring that representatives of labor should regard it as part of their public duty to serve on local school boards or on the boards of trustees of educational institutions supported by public funds, the 1923 convention of the A. F. of L. said: "These institutions were created to serve all the people, and membership on such boards would insure the fulfilment of this original intention. Furthermore, such action is in entire and complete accord with the long and continuous interest of American labor in the cause of free public education." This stand has been repeatedly reaffirmed in recent conventions of the A. F. of L.

20. Do A. F. of T. locals make use of the strike weapon?

The American Federation of Teachers maintains a non-strike policy. It is an autonomous body within the American Federation of Labor, and cannot be compelled by any labor authority to take action it does not wish to take. The power of the organization lies in the backing of large numbers of organized workers. A few locals participated in unauthorized strikes which occurred during the crisis in the schools following World War II. There were far more strikes, however, by non-union teachers' organizations than by A. F. of T. locals.

21. Is the Federation making progress?

In recent years the A. F. of T. has made exceptional progress. While most social and educational organizations struggled during the depression years to maintain their respective memberships, the membership of the A. F. of T. multiplied five times and doubled in a period of less than two years. The American Federation of Teachers is one of the most rapidly growing unions in the American Federation of Labor, and one of the most rapidly growing white collar unions in the world. In the city of Chicago alone approximately 7,000 teachers representing nearly two-thirds of the teachers of the city are members of A. F. of T. Local No. 1, the largest teachers' union in the world. During the trying days of World War II and the post-war period the membership of the A. F. of T. doubled, despite the fact that thousands of members left the profession to enter the armed forces or war industries. Since membership in non-union organizations is often practically compulsory, the A. F. of T. claims to be the largest voluntary organization of classroom teachers in the United States. There are now A. F. of T. locals in all of the 25 largest cities in the United States except one. There are locals in approximately three-fourths of all cities over 100,000 population. There are approximately 300 locals in cities and towns of less than 100,000 population. A large percentage of these locals represent a majority of the teachers in the school system.

22. How much are the local, state and national dues?

Dues in local unions are determined by the local unions themselves and depend upon the extent and cost of the local program. Many locals have dues of less than \$10.00 per year, in-

cluding dues to local, state and national organizations. Each local pays per capita dues to the National Organization at the rate of ten cents to forty cents per member per month, depending on the salaries of the members of the local. The average is approximately 24 cents per month per member. A subscription to *The American Teacher* magazine (which is priced at \$2.50 per year) is included with the dues. National dues to the A. F. of T. also include dues to the A. F. of L.

23. How do dues in the A. F. of T. compare with those of other national and international unions?

Dues in the A. F. of T. are the lowest of more than 100 unions affiliated with the A. F. of L. and less than one-fourth the average dues paid by members of other international unions. The A. F. of T. is one of the most efficiently operated trade unions in the world and, in many respects, is considered a model for other organizations.

24. Who are the governing officials of the A. F. of T. and what salaries do they receive?

The governing body of the Union is the Executive Council which consists of the President, Secretary-Treasurer, and fifteen Vice Presidents. All of these officials are elected annually and serve on an honorary basis without salary with the exception of the Secretary-Treasurer who is the full-time salaried executive officer of the Union employed according to the principles of teacher tenure. (The monthly salary of the Secretary-Treasurer is less than the maximum salary for high school principals in the larger cities of the United States, and less than comparable salaries of executives in non-union teachers' organizations.) The A. F. of T. has been built largely through the voluntary efforts of professionally minded class-room teachers who were sincerely interested in improving the educational facilities of the Nation's schools and in raising the standards of the teaching profession.

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File #1410

W A G E S T R U C T U R E I N
T H E U S A

A Discussion of Wage
Payment Principles

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G.H.Q.

15/2

16 December 1946

WAGE STRUCTURE IN THE UNITED STATES

It is not possible to give you in a single discussion a complete and detailed description of wage structures in the United States. Many thick volumes have been written on the subject. The most that can be done in this discussion is to give you a general idea of the basic principles underlying wage structure in the United States, the concept of job classification, how wages are determined, the types and methods of wage payments, and the function of the union in influencing wages. It should be kept in mind that the facts mentioned are generalization and that there are numerous individual exceptions.

Job Classifications

The outstanding difference between the basis of wages in the United States and Japan is that in the United States the approach is to decide on a wage for the job rather than for the worker. Thus, in the United States wage rates are based on the job requirements and the nature of the work, usually called "job content." When a rate is set for a specific job, that rate is paid to the qualified worker regardless of whether he is 20 years of age or 30 years of age, and regardless of the number of dependents he may have. In the United States the system of granting family allowances has never developed. However, it is likely that the 30-year-old worker will have developed certain skills which would qualify him for a more skilled job or a higher job classification that has a higher wage rate.

Because of the principle that the worker is paid according to his job, there has developed in the United States the practice of analyzing the operations in a plant in great detail and classifying the different types of work into many separate job classifications or job titles. In general, jobs are classified into three major groups: unskilled, semi-skilled, and skilled. Within these three major groups there is a further breakdown into numerous separate job classifications. Of course, the number of job classifications in an individual plant or an industry will vary according to such factors as the size of the plant, the complexity of the operations, and the degree of specialization.

In large plants there is likely to be considerable specialization and, therefore, a considerably greater number of separate job classifications than in small plants. For example, machinists would be divided into three classifications: Machinist A, Machinist B, and Machinist C, each having its detailed job description. On the other hand, a small plant is likely to have less specialization and therefore fewer and less clearly defined job classifications and job descriptions. In a small plant the worker or workers might perform a variety of operations and all the machinists might be grouped into one classification.

Appended to this paper is a list of key operations in the machinery industries in the United States which will give you some idea of the number and variety of job classifications.

Determination of Wage Rates

There are many ways of determining the value of a job, ranging from very

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simple and haphazard methods to very complex, technical methods of job evaluation. In general, small establishments find out what similar firms in their area pay for the same job or pay whatever is necessary to obtain workers. In the latter case, the wage may vary from that paid in other plants depending on the supply of labor.

Most of the larger industrial establishments usually have more exact methods for determining the rate of the job. Often industrial engineers are employed for this purpose. It is not possible here to go into detail regarding the various methods used to analyze the value of the job. Some of these methods are as complex as the techniques used by an engineer to design a bridge or a power plant. In general, the factors considered in setting wage rates are the degree of skill, intelligence, and strength required to do the work; previous training, education and experience; working conditions; job hazards; and the relative importance of the job in the company's job structure.

Often job rates are set for the lowest and highest rated jobs and then other job rates are fitted in between these points. Sometimes rates are set for the most important occupations in the plant called "key occupations," and other jobs are evaluated in relation to these occupations.

It should be pointed out that these complex systems of job evaluations do not operate in a vacuum but are affected (even the most mechanical and exact ones) by economic factors in the industry or area and by collective bargaining in many ways.

Types of Wage Rates

When the value of a particular job is determined, it is usually stated in terms of a wage rate. There are two general types of rates, namely, time rates and incentive rates.

Time rates are expressed in terms of a unit of time, such as rate per hour, day, week, month, or year. Industrial workers paid on a time rate basis are most frequently paid by the hour although many are paid on a daily or weekly basis. Salaried employees are usually paid on a weekly, monthly or yearly basis. In the United States, the general practice is to pay for the time actually worked. This contrasts with Japan where often workers are paid on a monthly basis, and receive the same wage regardless of the number of days worked per month.

It should be pointed out here that there is a difference between wage rates and pay period. For example, the workers paid on an hourly basis do not receive their pay every hour. They, like salaried employees, are paid at regular intervals. This interval is commonly one week for industrial workers, although some workers are paid every two weeks or every month. Many states have laws which provide that a worker must receive his pay within a certain number of days after he earns it.

In setting the rate for a job, especially in the case of time rates, the wage may be expressed in terms of a single rate or in terms of a rate range. For example, the rate for a Tool and Die Maker may be expressed at \$1.35 per hour or at \$1.25 to \$1.45 per hour. Usually when such a range is established,

a new worker in the plant starts at the minimum of the range. If, however, he is a highly experienced Tool and Die Maker, he may be hired at a wage higher than the minimum.

Increases from the minimum to the maximum of the range are usually made on the basis of length of service, efficiency or a combination of both factors. For instance, the Tool and Die Maker starting at \$1.25 per hour may receive an automatic increase of \$.05 per hour every six months until he reaches the maximum of his rate range, or he may be raised according to his efficiency on the job to a higher rate within a short time. If he is not a good worker, he may not receive any increase at all. However, where increases are based on efficiency, the company usually has some system of judging the worker's efficiency. Workers may be evaluated periodically, usually every three or six months in accordance with well-defined standards and if they meet the standards, they automatically are eligible for an increase. In cases where length of service and efficiency increases are combined, our Tool and Die Maker may receive automatic increases from the \$1.25 rate to \$1.35 and then further increases are based on his efficiency record.

It should be pointed out that clearly defined rate range structures are more common in large industrial plants than in small establishments. In small establishments an employer is more likely to have what is called a "random rate structure" with no clearly defined minimum and maximum rates for the job. Increases in such small plants are granted at irregular intervals for good work, seniority or a variety of other reasons.

The second major type of wage rate is based on a unit of production and is usually referred to as piece work or incentive rates. Straight piece work rates which are based on a wage rate per unit of work are not as common in the United States as they were 20 or 30 years ago. Most piece rate systems now provide for a guaranteed hourly or daily rate.

Incentive pay plans are actually a form of piece work but they differ from the old piece work system in that better incentive plans are so designed that the worker receives at least a standard hour's or day's pay regardless of his production. He is given an opportunity to earn more by producing more than the standard. Production standards are usually expressed in units of production such as pounds per hour, units per day, etc., above which incentive rates are paid. In determining the standards, various methods are used such as time studies; that is, a study of the amount of work performed per unit of time by a normal qualified worker under normal conditions.

In general, there are two more types of incentive plans, individual and plant-wide. The term individual incentive plan is used to describe plans in which production standards are established for individual operations or for a group of closely related operations. Most wage incentive plans in the United States belong in this general category. In plant-wide plans, however, the production standard is based in some way upon the production of the plant as a whole. In some cases, instead of an individual or plant-wide plan, there may be group incentive plans where the standards are set for a smaller group or team of workers.

It should be pointed out that the establishing of good incentive plans is a highly complicated process and requires the efforts of many technical

experts. Just as in the case of job evaluations, many of the large industrial plants employ technical engineers whose sole duty it is to establish and supervise the operations of the incentive system.

Other Wage Components

In addition to the regular wage rates there are often provisions for special payments under certain conditions. Under the Fair Labor Standards Act, which was enacted in 1938, time and one-half must be paid for all hours over 40 per week to all employees engaged in interstate commerce or in the production of goods for interstate commerce. This law, in effect, covers practically all manufacturing industries.

Under many collective bargaining agreements, overtime is paid for all hours over 8 per day or 40 per week. In a few industries, the basic work week is less than 40 hours and time and one-half is paid for all hours in excess of the basic work week. Many establishments also pay double time for Sundays and holidays.

It is also customary in the United States to pay a wage differential for work performed at night. Thus a job which has a wage rate of 85¢ per hour for work on the 8 A.M. to 5 P.M. shift may have a wage rate of 90¢ per hour for work on the 5 P.M. to midnight shift and 95¢ per hour for the midnight to 8 A.M. shift. Of course, the amount of the night shift differential varies between plants, industries and areas.

Workers have negotiated other wage adjustments such as extra pay if the worker is called in during an emergency to work outside his regularly scheduled hours, or a guaranteed minimum of a specified number of hours pay if the worker reports to work and no work is available. Still other wage components have been developed such as payment for a specified number of holidays not worked, vacations with pay, retirement allowances, group insurance covering accident and health, termination allowances, etc.

Special bonuses and grants are not as common in the United States as in Japan. In some establishments bonuses are given at Christmas, but, in general, are relatively small. In Japan the basic rate is often only one factor in the total wage structure with other factors such as allowances for age of the worker, cost of living, efficiency, skill, and family dependents making up the total wage. In the United States most of these factors are included in the basic wage rate.

Wage Rates and Earnings

It should be pointed out that the wage rate itself is not the only factor in determining the amount of wages the worker actually takes home. It is possible for the wage rate to remain the same while the take-home pay may increase or decrease. This is because earnings are influenced by such factors as the number of hours worked, special premium pay for overtime, special pay for holiday's work, etc.

Functions of the Union

We have used the word "determine" in discussing the setting of the wage

rate for a job. This "determination" is usually not a one-sided procedure. Even where there is no union, the wage that an employer pays is influenced by the amount of the wage for which his employees will work, as already mentioned. Where employees are organized into a union, the union influences the wage figure in many ways.

In companies which have developed advanced labor relations, there often are employee-management committees which have an important function in the wage-setting process. Even where very technical wage determination methods are used, such as job evaluation, the union influences the wage rate by submitting information and data to clarify the description or evaluation of the jobs. Often the union has its own technical experts who work closely with the management's industrial engineers. Similarly where plants develop piece work or incentive systems, the union often takes an active part in setting the production standards and the piece and incentive rates.

One of the major functions of the union is to inform the employer of the workers' wage demands and their bases. The demands are usually accompanied by data and statement to support them. Many unions, especially the large ones, have a regular staff of technicians, who are employed to prepare such data. One of the most common reasons for wage demands is the cost of living. The union may present data to show that living costs have risen to such a degree that workers are unable to maintain their former standard of living under the old pay scale or, even where living costs have not risen, it may attempt to prove that the wages currently being paid are insufficient to achieve a certain standard of living. In some industries or areas in which extremely low wages are paid, early union attempts at raising wages are usually made in terms of bringing wages up to a minimum subsistence (living) level. At the present time most unions, however, aim at achieving higher standards of living.

Another basis of wage demands is the relationship of wage rates among various groups of workers. For example, the approach may be to prove by statistical data that an inequity exists between the wages of workers in the industry concerned with those of workers in a related industry or with workers, in general. Sometimes the approach is to show that the workers in one company are not receiving pay comparable with that of other companies in the same industry in the area, or that improper relationships exist between the wages of workers within the individual plant itself.

The union sometimes approaches the wage question from the standpoint of profits. This type of demand usually attempts to prove that the company is making a greater profit than formerly and can, therefore, afford to pay higher wages, or that even though profits have not risen, the company can raise wages by a certain amount and still make a profit.

Worker productivity is another basis for wage demands. In such cases the union may show that the efficiency of the worker has increased production to such an extent that even if higher wages were paid, the labor costs per unit of production would not increase or might even be lowered.

Although wage demands are usually made on specific grounds with primary emphasis on the interests of the workers concerned, responsible unions take into consideration the broader economic aspects of the problem. They recognize the implications of their demands upon the welfare of the country as a whole, the relationship between wages and prices, the development of the industry and the success and growth of the plant in which they work.

KEY OCCUPATIONS IN MACHINERY INDUSTRIES
(EXCEPT ELECTRICAL) JANUARY 1945 1/

TITLES

Maintenance

Carpenters, maintenance
Electricians, maintenance
Machinists, maintenance
Maintenance men, general utility
Mechanics, maintenance
Millwrights
Patternmakers, wood

Supervision

Working foremen, processing departments

ProcessingMachining, Assembling, etc.

Assemblers, Class A
Assemblers, Class B
Assemblers, Class C
Chippers and grinders
Drill-press operators, radial, Class A
Drill-press operators, radial, Class B
Drill-press operators, radial, Class C
Drill-press operators, single and multiple spindle, Class A
Drill-press operators, single and multiple spindle, Class B
Drill-press operators, single and multiple spindle, Class C
Engine-lathe operators, Class A
Engine-lathe operators, Class B
Engine-lathe operators, Class C
Grinding-machine operators, Class A
Grinding-machine operators, Class B
Grinding-machine operators, Class C
Heat treaters, Class A
Heat treaters, Class B
Machine-tool operators, miscellaneous machines
Machinists, production
Milling-machine operators, Class A
Milling-machine operators, Class B
Milling-machine operators, Class C
Painters, finish
Painters, rough
Screw-machine operators, automatic, Class A
Screw-machine operators, automatic, Class B
Screw-machine operators, automatic, Class C
Set-up men, machine tools

Inspection and testing

Inspectors, Class A
Inspectors, Class B
Inspectors, Class C

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MALES - (Continued)

Recording and Control
Stock clerksMaterial MovementCrane operators, electric bridge
Truck drivers
Truckers, powerCustodialGuards
Watchmen

FEMALES

ProcessingMachining, Assembling, etc.Assemblers, Class B
Assemblers, Class C
Drill-press operators, single and multiple
spindle, Class B
Drill-press operators, single and multiple
spindle, Class C
Grinding-machine operators, Class B
Grinding-machine operators, Class C
Milling-machine operators, Class B
Milling-machine operators, Class C
Turret-lathe operators, hand (including hand-
screw machine) Class B
Turret-lathe operators, hand (including hand-
screw machine) Class CStamping and Forming

Punch-press operators, Class B

Inspection and TestingInspectors, Class B
Inspectors, Class CRecording and Control

Stock clerks

Custodial

Janitresses

1/ Occupational Wage Relationship, Machinery 1945, U.S. Department
Labor, Bureau of Labor Statistics, Series 1 No.1

PART OF HISTORY MOVEMENT IN AMERICA

File #1411

HISTORY OF THE LABOR MOVEMENT IN AMERICA

A. Labor problems, like all social problems which arise out of the imperfections of human institutions, are the result of historical development and change. In the large, they should be thought of as part of the evolutionary process through which all social institutions have passed. In the past centuries human beings, in interaction with their natural environments, developed certain economic systems which satisfied their needs and desires to a greater or less degree and which were accompanied by certain problems. As man's control over the natural environment increased, the old systems were supplanted by the new, and new and different problems made their appearance in so far as the new systems failed to realize human welfare; many advances in the fields of engineering and economics were balanced by costs and losses in the social field. These changes have been very gradual as a rule, and still continue. They are not usually sudden mutations, but slowly arise from what has gone before.

B. Labor problems before the industrial revolution.

What were the economic systems developed before the Industrial Revolution and to what extent did these environments permit expression of man's inherent response-tendencies and desires?

At one time it was believed that all tribes and peoples passed in the same order through the same stages of economic organization. After further investigation showed a number of cases which seemed to omit one or more stages or invert the order somewhat, certain students of social evolution abandoned belief in this theory.

1. The early periods.

The hunting and fishing period was the primitive time during which man tried to satisfy his basic needs by directly appropriating the gifts of nature. There was no separate class of laborers, unless it was the women who did the menial tasks, no formal economic system, very little private property, and no labor problem.

The pastoral stage found man still migratory, but now satisfying his wants by keeping flocks of animals. The economic conflicts which developed were not between employers and employees, but among herd owners over pasturage.

The agricultural period, as found in Rome and later over Europe during the Middle Ages disclosed a division of labor and a cleavage of society into definite economic classes, chief among which were the lords or barons, the slaves, and the serfs. The slave was the absolute chattel of his owner and possessed no rights or privileges. Sometimes he was made a free tenant or at least given permission to make money payments instead of services to the baron. Thus there came into being a class whose position was very weak and insecure.

2. The handicraft period.

The growth of free towns as centers of commerce and manufacture developed a system which ultimately broke up the feudal economy, for serfs might escape and become free citizens. In the towns was to be found a different kind of economic organization and a perceptible improvement in the position of the workers. In the early stages of society, manufacture was distinctly "domestic"; that is, there was no division of labor and each family made all the simple articles which it needed. There was no employer group and no employee class. But in the handicraft stage came the beginning of specialization. Smith, who turned out better shoes than anyone else, made only this product; Jones worked entirely on clothes because his output was the envy of other men. Each man or family in the city specialized on only one product and exchanged the surplus for parts of other surpluses. A special system of buying and selling these surpluses grew up under the control of merchant guilds.

HISTORY OF THE LABOR MOVEMENT IN AMERICA CONT:

As the cities increased in population, there came to be a number of craftsmen engaged in making each product. It was not long before they organized themselves into craft guilds in order to regulate such matters a quality and quantity of product and intra-craft relationships. The craft guilds soon took over the marketing function as well, with resultant decline of the merchant organizations.

All forms of work and employment, such as hours and wages, were subject to strict regulation. The essential gild idea was regulated monopoly, which was effected by limiting membership to so-called master craftsmen. The number of these masters was kept down by rules which made it necessary for young men first to pass through the successive periods of apprenticeship and journeymanhip. The apprentice, by contact with the master agreed to serve the latter for a term of years in return for craft instruction, maintenance, and a small wage. At the end of this period successful fulfillment of his obligations entitled the apprentice to become a journeyman, who might work for full wages in the employ of any master who would have him. In time he might save enough money to set up shop as a master himself, in which event he was usually taken to complete membership.

The apprentice and journeyman had the pleasure of doing creative work for there was not much specialization of tasks in a shop. The master knew all of his small group of workers intimately; there was no great economic or social gulf between them, no antagonisms born and fed on lack of mutual understanding. They were all of the one class. It was not hard for the industrious and thrifty young journeymen to become the independent owner of an establishment. In short, the labor problems of those days were unimportant and few in number because the economic and social environment found among the guilds in the cities allowed a large degree of want satisfaction.

In America, although sporadic attempts to begin manufactures were fostered in the early part of the nineteenth century, it was not until after the Civil War that there was a real and notable expansion in commerce and industry. The period from the time for the first settlement to 1850 was much the same throughout. Agriculture was the chief occupation; land was practically free and farming required but little capital. Colonial manufacturers were largely in the domestic and handicraft stages; on the frontier farm they were a part of the household activities, while in the Northern colonial town and on the southern plantation they were the specialized work of skilled white or Negro craftsmen. After the Revolutionary War there were a number of efforts to put production on a factory basis in the North, but lack of capital, scarcity of labor, and high wages caused most of the enterprises to fall short of complete success. The South, which was committed to the raising of a few staple crops, also felt the shortage of workers. In the eighteenth century free labor was supplemented by the importation and use of servile labor--indentured servants, chiefly in the North, and Negro slaves, mostly in the South.

With all these classes of labor in existence before 1860, it is clear that no single generalization can be made which will include all conditions. Furthermore, it is easy to idealize the past. It may be asserted that the average free laborer of that time possessed more opportunities to live a full and satisfying life than the average worker of today but further study and a number of qualifications need to accompany this statement.

Labor conditions from 1790 to 1850

During this period the position of free labor was, on the whole, favorable, except during periodic depressions brought on by financial panics. The skilled craftsmen were, of course, better off than the unskilled workers. Both classes received wages considerably higher than the same groups in Europe.

HISTORY OF THE LABOR MOVEMENT IN AMERICA CONT:

Weekly and yearly earnings may have been generally satisfactory, but the same cannot be said for hourly wages. The length of the working day afforded one of the gloomiest sides to the labor picture. The agricultural day seems to have served as the model for the early simple manufactures. Twelve, fourteen, and even sixteen hours a day were usual.

In short, many of the labor problems known today had their beginnings in the conditions of a century ago. The industrial maladjustments of those days existed, of course in different and simpler form, but they were there.

The rise of the United States as one of the chief industrial and capitalistic nations occurred after the Civil War. There had, of course, been attempts to establish machine production in factories almost from the beginning of the century, chiefly in the New England Textile region, but the really widespread conquest by machine processes awaited the settlement of the frontiers and the growth of man-power sufficient to exploit the Virgin natural resources. For this country the Industrial Revolution may be said to have attained real momentum only about ten years before the Civil War. The development after 1850 was rapid, however. The war greatly stimulated factory production, and the expansion of the railroads in the next few decades pushed back the Western frontiers, facilitated the exploitation of rich natural resources, and made it possible for manufacturers to sell their products in a national market to a rapidly increasing population.

From the Census and other data for agriculture, manufacturing, mining and quarrying, railroad transportation, power production, and other fields of economic activity, several important trends stand out. First, there has been a pronounced and steady growth in the value of products or service and in the values added by productive processes. In manufacturing, which is the chief measure of industrialism, the growth in these values has been most rapid. It was not until 1900 that the number of industrial wage-earners exceeded the number of farm laborers and farmers, but from that time on the United States has been primarily a manufacturing nation. In 1919 the value of manufactured products, with all allowance for price changes, was about eleven times greater than in 1869, and in 1939 fifteen times greater.

A second important trend reveals itself in the data for horsepower equipment. This item is an index of the installation of machinery and has increased enormously from decade to decade in all fields. There is a causal relationship between the growth in primary horsepower and the increase in total value of products: the former has been chiefly responsible for the latter. In 1939 the horsepower capacity in manufacturing was about twenty times as great as in 1869. In all fields of activity there was a gain of about 25 times.

To study the occupational grouping of the people in the United States since 1870 is also interesting. One may consider them by industries and fields of activity (a "vertical" division which includes employers as well as employees in each main industry) or by levels of economic position and importance (a "horizontal" stratification which separates employers from employees throughout all industry). From the first standpoint, it appears that the most significant development before 1920 was the shift from agricultural occupations to those connected with industry. Since 1920 a new, equally interesting change had taken place: there have been, in general, relatively fewer persons working in manufacturing, mining, and agriculture, while a relatively increasing number are to be found in transportation and communication, in the clerical occupations, and in the trade or "service" occupations, including work in homes, hotels, public utilities, gasoline filling stations, hospitals, beauty parlors, etc. It is these latter occupations that have absorbed a large part of the unemployment slack caused by the introduction of labor-saving machinery and methods in the former group.

HISTORY OF THE LABOR MOVEMENT IN AMERICA CONT:

In so far as the occupational groupings become rigid and little opportunity exists for the members thereof to pass into other classes, there may be expected a sharpening of the clash among economic interests and a development of class-consciousness. There may be some tendency in this direction, but the statistics seem to indicate an appreciable mobility among the different groups. Certain wage-earners are still able to move, for example, into the lower-salaried or professional classes and to absorb or at least appreciate the employer's point of view. "Capitalism-mindedness" has even been ascribed frequently to the skilled workers who make up the bulk of labor union membership in the United States.

All these developments are helpful in building up a picture of this country's industrialization. They portray the rise of manufacturing since the Civil War into the chief economic activity, the growth of great, large-scale enterprises, the increasing use of machinery, the resulting occupational and population structures. The significance and effects of these trends will be discussed more fully in the following paragraphs

In the actual organization and operation of enterprise certain common traits came into existence. Production was concentrated in factories located usually with reference to such important matters as source of power, labor supply, sources of raw materials, nearness to markets, and climate. The process was minutely divided into a number of specialized tasks, the greater part of which were performed by automatic or semi-automatic machines under human supervision. The product was standardized, each unit resembling every other unit. Production was on a large scale in order to reduce unit costs by spreading fixed and overhead charges over a great many units. The wage system of cash advances prior to the sale of the output was developed to pay the workers for their share in production. Special departments of research were created for continuous investigation of technical problems. And over all this technique or science of management evolved, the chief interest of which was the reduction of costs by improving processes and eliminating the various sources of waste.

With the increased output and lower prices made possible by this system demanded wider areas for selling the products. As the means of transportation and communication developed markets became national and international. An intensification of competition among producers in the same and idfferent countries was in many cases the result, because large-scale production forced high-powered selling.

Selling departments, advertising agencies, and public relations counselors developed the propaganda techniques of influencing public taste and opinion to high states of prof-iciency. Yet intense competition was found to be so ruinous to large concerns with huge capital investments and overhead costs that in certain industries, such as iron and steel where there were relatively few firms, price agreements and other methods of regulating competition and holding or raising prices were worked out. In these industries united action on prices and trade practices often led to or was accompanied by United fronts on wages and other labor policies. In certain other industries, like textiles and clothing, where average capital investments were not so large and where there were many producers in the field, such arrangements for the stifling of competition could not be effective, and here competition was often cutthroat, often to the benefit of the consumer but usually to the great hurt of the worker, who labored under "sweated" conditions.

During the 1920's many concerns, in order to stimulate consumer buying, used the device of installment selling, by which in effect they lent money at high rates of interest to consumers who were unable or unwilling to pay whole purchase prices.

Joseph P. Labadie
12/21/27

HISTORY OF THE LABOR MOVEMENT CONT:

With this brief resume of modern industrial environment it is now possible to summarize the effects in terms of human living and instinct expression. When workers who have not enough to satisfy their needs see many of their employers and others of that class with more than they can use, the result is not salutary.

This psychological effect is intensified by the fact that the workers have been divorced from the ownership of the instruments of production and from the control of the product. As a rule they have no voice in the disposal of either, but are dependent on the owners and managers of industry for their daily bread. Events over which they have no control make their livelihoods precarious. This situation of course leads to the feeling of insecurity and instability. There is perhaps no feeling more productive of unrest than the one bred by lack of security.

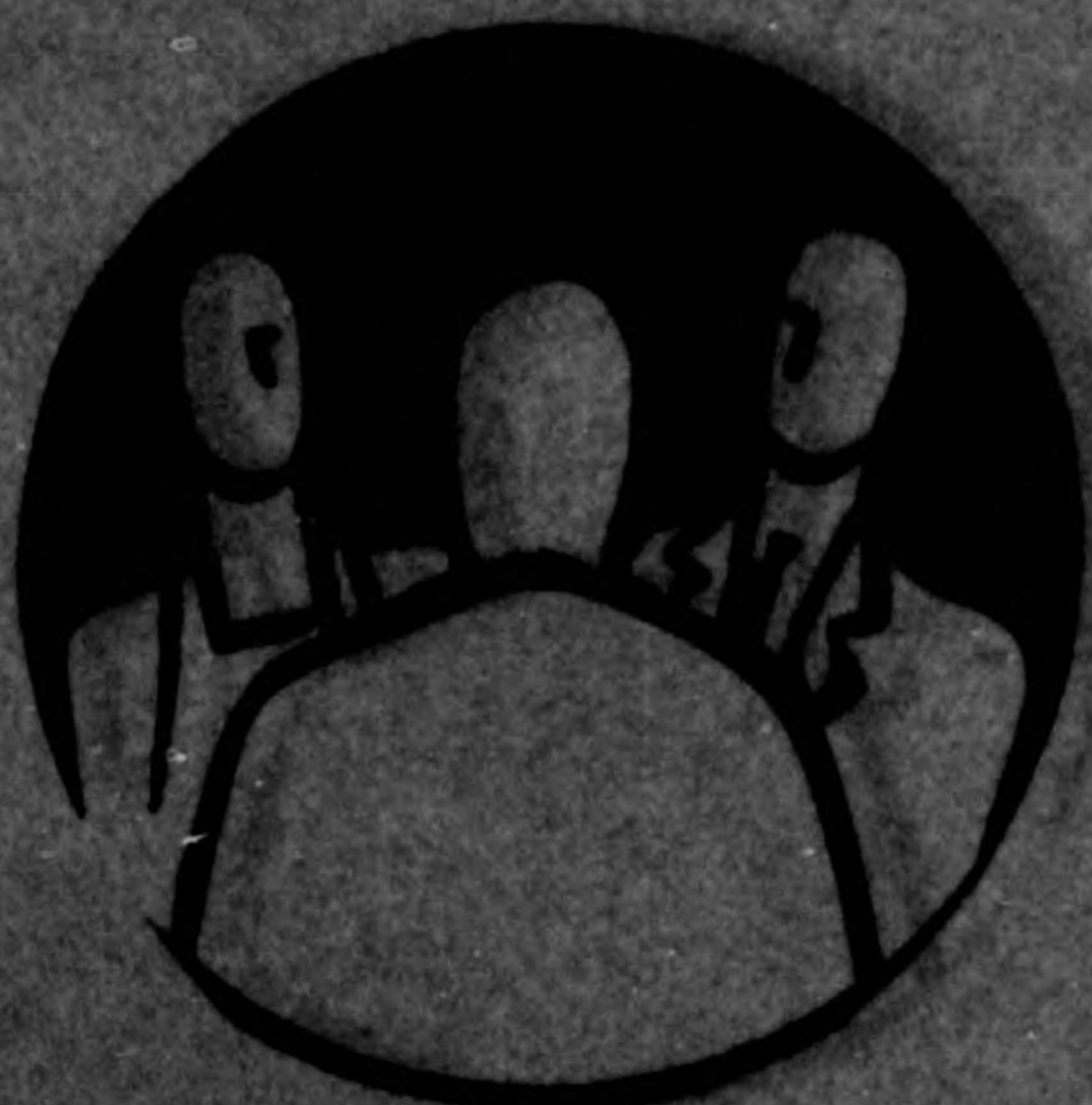
Not only have the workers lost personal relationships with their employers; they have also long been out of touch with the consumers of the products they help to make. Formerly the craftsman who made shoes or garments for a few customers took a very personal interest in turning out a pleasing product; today the sole-finisher or the button-holer has no such contact, for a sales department specializes in the marketing function.

Joseph R. LaBouff

File #1412

John

**STATE AUTHORITIES
ENGAGED IN MEDIATION AND
CONCILIATION ACTIVITIES**



**Bulletin
No. 91**

**UNITED STATES DEPARTMENT OF LABOR
DIVISION OF LABOR STANDARDS, 1947**

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FOREWORD

This material has been prepared in response to requests from labor unions and the management groups for information about State authorities engaged in conciliation and mediation activities. The need for such information has arisen out of the enactment of the Labor Management Relations Act of 1947.

In an effort to state as clearly as possible the existent mediation situation in each State, the Division of Labor Standards invited the officials of State authorities to participate in the preparation of this material by making comments and additions. Their excellent and prompt cooperation has aided greatly in making this information available at this time. The material was prepared by Flora Y. Hatcher of the Division's staff.

WILLIAM L. CONNOLLY, Director.

Washington, September 1947.

STATE AUTHORITIES ENGAGED IN MEDIATION AND CONCILIATION ACTIVITIES

The Labor-Management Relations Act of 1947 gives new emphasis to the role of State or Territorial mediation and conciliation agencies established to aid in the settlement of labor disputes. The Federal Act provides that State or Territorial agencies must be notified simultaneously with the Federal Mediation and Conciliation Service of the existence of certain kinds of labor disputes. The Act also provides that the Director of the Federal Mediation and Conciliation Service "may establish suitable procedures for cooperation with State and local mediation agencies."

Under the Federal Act, the requirement to notify the State agency applies to those disputes which arise over the termination or modification of an existing collective bargaining contract covering employees in an industry affecting commerce. Either party to such a contract proposing termination or change in the contract must notify the other party 60 days prior to the time that the proposal would take effect. If a dispute arising over such a proposal is not settled within 30 days, then the Federal Act requires that the State mediation agency in the State in which the dispute occurs must be notified of its existence simultaneously with the Federal Mediation and Conciliation Service. In general, strikes and lock-outs are forbidden during the entire 60-day notice period.

The notice requirement of the Federal Act, as it relates to State mediation agencies, has given rise to a need for information by labor organizations, management groups, and government agencies about State mediation activities, the addresses of State authorities, their mediation powers by law, and the extent of mediation services. The Division of Labor Standards, through this publication on State mediation and conciliation authorities, is making such information available on a State-by-State basis.

However, it is emphasized that this material is for informational uses only. It is not published for the purpose of interpreting or determining questions that might arise in connection with meeting the requirements for filing dispute notices under the Labor-Management Relations Act. Such questions should be raised with the National Labor Relations Board, which is the Federal agency having jurisdiction over such matters.

STATE AND TERRITORIAL AUTHORITIES FOR MEDIATION AND CONCILIATION

Thirty-seven States and three Territories have authorities which promote the voluntary mediation and conciliation of labor disputes. In thirty-one States and 3 Territories, the authority is specifically empowered by law to engage in mediation activities. In Nevada and West Virginia, such authority is given the State Departments of Labor by the Governor. In Iowa,

Montana, North Dakota, and Virginia, mediation services are offered by the Departments of Labor as a service by virtue of their general functions with reference to labor matters.

The pattern most generally found in the States and Territories is for mediation and conciliation activities to be centered in the State Departments of Labor, or some similarly named authority responsible for certain labor functions under the State government. The thirty-four States and 3 Territories in which such activities are centered in Departments of Labor are:

Alabama	Maryland	Rhode Island
Arizona	Massachusetts	South Carolina
Arkansas	Minnesota	South Dakota
California	Montana	Utah
Colorado	New Hampshire	Vermont
Connecticut	New Jersey	Virginia
Georgia	New York	Washington
Illinois	Nevada	West Virginia
Indiana	North Carolina	
Iowa	North Dakota	
Kentucky	Ohio	Alaska
Louisiana	Oklahoma	Hawaii
Maine	Pennsylvania	Puerto Rico

In most Departments of Labor, the Commissioner of Labor or a chief mediator, and in some States additional staff assistants assigned to mediation activities, engage in the promotion of conciliation, mediation, and oftentimes the voluntary arbitration of labor disputes.

Special authorities or boards for mediation are established in eleven States, eight within Departments of Labor and three outside Departments of Labor. Those States having special boards or authorities within Departments of Labor are:

Connecticut	-	Board of Mediation and Arbitration
Maine	-	State Board of Arbitration and Conciliation
Massachusetts	-	Board of Conciliation and Arbitration
Minnesota	-	Division of Conciliation (not subject to control of Department)
New Hampshire	-	State Board of Conciliation and Arbitration
New Jersey	-	State Board of Mediation
New York	-	State Board of Mediation
Oklahoma	-	State Board of Arbitration and Conciliation

The three States having special boards for the mediation of labor disputes outside State Departments of Labor are:

Michigan	-	State Labor Mediation Board
Oregon	-	State Board of Conciliation
Wisconsin	-	Employment Relations Board

It appears that there are eleven States in which no State mediation authority is designated by law or by other authority to promote, in general, the voluntary mediation of labor disputes. These eleven States are:

Delaware
Florida
Idaho
Kansas

Mississippi
Missouri
New Mexico
Nebraska

Tennessee
Texas
Wyoming

Of these eleven States with no provision for the mediation of labor disputes in general, Florida and Missouri, by recently enacted laws, have provided for conciliation and arbitration of labor disputes in public utilities. Although Texas offers no conciliation service, there is provision by law for an Industrial Commission which may investigate labor disputes referred to it by the Governor, and report findings and recommendations to the Governor and State Legislature. The Texas law specifies that the commission's report shall be made public through regular channels of the press.

DISPUTES MACHINERY PROVIDED BY STATE LAWS REGULATING DISPUTES IN PUBLIC UTILITIES

The creation of new disputes machinery, and the expansion of existing machinery in connection with the peaceful settlement of labor disputes in public utilities, constitutes the most substantial change made in recent years in State laws providing for the mediation of labor disputes. Ten States - Florida, Indiana, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, Pennsylvania, Virginia, and Wisconsin - have enacted laws or amendments to existing laws in 1947 which set up or expand machinery for aiding in settling such controversies. All of these enactments provide for both mediation and arbitration of labor disputes in public utilities, with the exception of the Nebraska law which provides only for the compulsory arbitration of such disputes through a court of industrial relations.

The use of mediation services provided by these laws is of a more compelling nature than such services offered for labor disputes in general. The order of settlement procedures established in this type of legislation often leads to compulsory arbitration, or to the seizure and operation of the public utility by the State, or to both, as final steps designed to insure continued operation of the service. However, several of the State laws do give the disputants opportunity to utilize voluntarily the mediation and arbitration procedures before the compulsory aspects are brought into play.

It is usual for strikes and lock-outs to be prohibited by such laws while mediation or arbitration efforts are in process, or until such procedures have been exhausted. Where the law requires compulsory arbitration as a final step, or where the Governor is empowered to seize and operate the

utility, the effect in general is to prohibit strikes and lock-outs in connection with such labor disputes.

Characteristic of State laws regulating disputes in public utilities is the major role played by the Governor. Typical of this aspect is the Indiana law in which the Governor is directed by law to establish a panel of conciliators and a panel of arbitrators. Conciliators and arbitrators are drawn from these panels when disputes in public utilities occur. Special conciliators or special boards of arbitration are usually required by law to report findings and recommendations or decisions in public utility disputes to the Governor. The Governor is authorized in several such laws to seize and operate the public utility if necessary to continue the service.

INTERVENTION INTO DISPUTES BY STATE AUTHORITIES

Parties making use of this information about State mediation authorities in connection with the Taft-Hartley Act will no doubt wish to take special note of those provisions and practices governing the proffering of mediation services to disputants by State authorities. Notifying a State authority of the existence of a dispute under the Federal Act might or might not mean that the State authority will offer mediation services. Under the provisions of State laws, about half of the State mediation authorities may intervene in a labor dispute on their own motion. A few State authorities are required by law to try to mediate a labor dispute upon learning of it. Other State authorities intervene only under circumstances specified by law such as upon request of one or both parties to the dispute, notice of a threatened or existing strike or lock-out, or upon notice given the State authority by a local official, county official, or in some instances, by the Governor.

Immediate attempt to conciliate labor disputes is obligatory in Colorado, Michigan, and Minnesota where State laws require that the State authority be given notice of intent to strike or lock-out, as the case may be, for a certain number of days before such action is scheduled to take place.

In many States, however, laws governing mediation provide that intervention by the State authority shall occur under various specified conditions, such as the request of one or both of the parties to the dispute, notice of a threatened or existing strike or lock-out, or in some States notice of an existing or threatened labor dispute, strike, or lock-out given the State agency by a local city official, county official, or even by a committee of employees, employers, or citizens. In some States, the Governor may direct the State authority to intervene into a labor dispute. Such direction usually occurs when the public welfare is affected in a substantial manner.

STATE-BY-STATE SUMMARY OF POWERS OF MEDIATION AUTHORITIES

There follows a State-by-State summary of the powers given State mediation authorities by law, or where no specific mediation authority is given by law but in practice mediation services are offered, this is indicated. The names and addresses of State mediation authorities are shown in connection with each State summary.

<u>State</u>	<u>Authority</u>	<u>Address</u>
ALABAMA	Department of Labor	R. R. Wade, Director Department of Labor P. O. Box 2046 Montgomery, Alabama

The Director of the Department of Labor is required by law to investigate labor disputes and to promote their peaceful and voluntary settlement. The Department may intervene in a labor dispute on its own motion.

Temporary tripartite boards of mediation may be appointed by the Governor "whenever he considers it expedient" for the purpose of making findings of fact and recommending settlement of disputes. Such boards of mediation are limited to 30-day sessions, with an additional 10 days for reporting. Copies of board reports and recommendations are sent to the Governor, the Department of Labor, and the parties.

The parties may submit in writing a request to have a dispute, strike, or lock-out arbitrated by the board, but agreement on the part of the parties to abide by the determination of the board must be included in such submission. When such agreement is included in the submission, the decision of the board is binding.

<u>State</u>	<u>Authority</u>	<u>Address</u>
ARIZONA	Industrial Commission State Labor Department	Earl G. Rooks, Chairman Industrial Commission 17th Avenue & West Adams Phoenix, Arizona

The Department of Labor, operating under the Industrial Commission of Arizona which is authorized by law to promote the voluntary arbitration, conciliation, and mediation of labor disputes, offers mediation services. The Department does not enter a dispute unless requested to do so by one or both of the contending parties.

State

ARKANSAS

Authority

Department of Labor

AddressM. E. Goss, Commissioner
Department of Labor
Little Rock, Arkansas

The Commissioner of Labor is directed by law to do all in his power to promote voluntary arbitration, mediation and conciliation of disputes between employers and employees. He is empowered to appoint temporary boards of arbitration, prescribe rules for temporary arbitration boards, conduct investigations and hearings, and publish reports. The Commissioner may designate an employee of the Department of Labor to act as chief mediator in disputes. He may detail other employees or persons not in the Department from time to time to act as his assistants. Intervention into labor disputes by State conciliators is only on request.

State

CALIFORNIA

AuthorityDepartment of Industrial
RelationsAddressPaul Scharrenberg, Director
Department of Industrial
Relations
965 Mission Street
San Francisco, California

The Department of Industrial Relations is empowered by law to investigate and mediate a labor dispute providing any bona fide party to such dispute requests intervention by the Department. The Department may also arbitrate labor disputes or may arrange for the selection of arbitrators or board of arbitration on such terms as all of the bona fide parties to the dispute may agree upon.

Factual data are made available by the Department, to parties in dispute upon request. Such data includes wage information and characteristic provisions and prevailing practices in collective agreements throughout the State.

State

COLORADO

AuthorityIndustrial Commission of
ColoradoAddressWilliam I. Reilly, Chairman
Industrial Commission
772 State Capitol Annex
Denver 2, Colorado

The Industrial Commission shall "do all in its power to promote the voluntary arbitration, mediation, and conciliation of disputes between

employers and employees." The Commission is empowered to appoint mediators in any labor dispute, either upon its own initiative or upon the request of one of the parties to the dispute.

Farm and dairy employees are required to give the Commission a 30-day notice of intention to strike. Employees in all other industries or occupations must give at least a 20-day notice of their intention to strike. To strike prior to expiration of notice period is an unfair labor practice. Upon receipt of a strike notice, the Commission is directed by law to "take immediate steps to effect mediation." If mediation efforts fail, the Commission is directed by law to endeavor to induce the parties to arbitrate.

The Commission is empowered to act as arbitrator, or to name arbitrators, if the parties agree in writing to have it do so.

<u>State</u>	<u>Authority</u>	<u>Address</u>
CONNECTICUT	Department of Labor and Factory Inspection	John J. Egan, Commissioner Department of Labor and Factory Inspection 165 Capitol Avenue State Office Building Hartford 15, Connecticut (Board of Mediation and Arbitration in the Depart- ment of Labor and Factory Inspection)

Three members or alternates of the Connecticut Board of Mediation and Arbitration, tripartite in nature, in the Department of Labor may arbitrate a grievance or dispute if the parties to the dispute submit it to the board. Such submission must be in writing and must state in detail the grievances, complaints, and causes, and the parties must promise not to engage in a strike or lock-out while the board is investigating. This agreement is not binding unless the board renders a decision within 10 days after the completion of the investigation.

The Board of Mediation and Arbitration is required by law to endeavor to settle disputes by mediation whenever the controversy has caused or seriously threatens to cause a strike or lock-out. The Commissioner of Labor, with the approval of the board, has mediation agents to assist in the adjustment of labor disputes and whenever such disputes shall come to the attention of the Department and regardless of whether their services are requested by the parties to the dispute.

State

DELAWARE

No authority

There is no authority established to mediate and conciliate labor disputes in Delaware.

State

DISTRICT OF COLUMBIA

No authority

There is no authority established to mediate and conciliate labor disputes in the District of Columbia.

State

FLORIDA

No authority except
for mediation of
labor disputes in
public utilities.

No State authority is empowered by law to engage in mediation and conciliation activities.

However, special provision is made by law for conciliation and arbitration of labor disputes between public utility employers and employees. When such disputes exist and negotiations have reached a stalemate, either party to the dispute may petition the Governor to appoint a conciliator. Strikes and lock-outs are forbidden after such petition is filed and until all procedures for settlement provided by law have been exhausted. If the conciliator is unable to effect a settlement within 30 days, a report is made to the Governor by the conciliator and the Governor may appoint a board of arbitration which shall hold hearings and issue a written decision within 60 days after its appointment, unless the Governor has extended the period for good cause. The board's decision is effective for one year, unless changed by mutual consent of the parties, or by court decision resulting from appeal. If the court reverses the decision of the board of arbitration, the Governor may attempt further conciliation or appoint another board of arbitration.

<u>State</u>	<u>Authority</u>	<u>Address</u>
GEORGIA	Department of Labor	Ben T. Huiet, Commissioner Department of Labor State Office Building Atlanta 3, Georgia

The Commissioner of Labor is required by law to do all in his power to promote voluntary mediation, arbitration, and conciliation of disputes. He may appoint temporary boards of arbitration, prescribe rules for such arbitration boards, conduct investigations and hearings, and publish reports. The Commissioner may appoint mediators and detail other persons to act as his assistants in mediation activities.

<u>State</u>	<u>Authority</u>	<u>Address</u>
IDAHO		No authority

No State authority has been established to mediate and conciliate labor disputes. The Constitution of the State provides that the legislature may establish boards of arbitration, but no laws have been enacted to put this provision into effect.

<u>State</u>	<u>Authority</u>	<u>Address</u>
ILLINOIS	Department of Labor	Robert L. Gordon, Director Department of Labor Capitol Building Springfield, Illinois

When a strike or lock-out occurs, or is seriously threatened, or when a dispute which may be the subject of an action at law or bill in equity arises between an employer and his employees in any industry in the State, the Department of Labor may proffer its services either upon its own motion, or upon the request of one or more of the parties to the dispute, make inquiry into the cause of the controversy, and attempt through mediation and conciliation to bring the parties to agreement.

<u>State</u>	<u>Authority</u>	<u>Address</u>
INDIANA	Department of Labor	Charles W. Kern, Commissioner Indiana Division of Labor 225 State Capitol Building Indianapolis 4, Indiana

INDIANA (Continued)

The Commissioner of Labor is authorized "to promote voluntary arbitration, mediation, and conciliation of disputes between employers and employees." He may also appoint temporary boards of arbitration, prescribe rules of procedure for such boards, conduct investigations and hearings, and publish reports. The Commissioner may also designate an employee of the Division of Labor to act as chief mediator.

In addition, special provision is made by law for the mediation and arbitration of labor disputes that would result in interruption of public utility services. In such disputes, the Governor is authorized to appoint a panel of 10 persons to serve as conciliators, and a panel of 30 persons to serve as members of boards of arbitration. If the parties to a labor dispute in a public utility reach a stalemate, then either party may petition the Governor to appoint a conciliator from the panel. Strikes and lock-outs in such disputes are prohibited during conciliation proceedings. If the conciliator is unable to settle the dispute within 30 days, he shall report to the Governor who must, if he believes a substantial number of persons would suffer hardship by cessation of public utility services, appoint a 3-man board of arbitration. Such appointments shall be made from the arbitrators' panel. Each party is entitled to name a representative to sit in an advisory capacity without vote with the board of arbitrators.

The board of arbitration shall hold hearings and make findings of fact. The board is empowered to interpret and apply an existing contract. If there is no contract, and wages and conditions of employment are in dispute, the board is authorized to establish rates of pay and conditions of employment. The law requires the board to make its decision and issue an order to the parties within 60 days unless the period is extended by the Governor for not more than an additional 60 days. The board's decision, and any agreement reached by the parties, is binding upon the parties for one year unless appealed to the circuit court or unless changed by mutual agreement of the parties.

If the court reverses the board's decision, the court's decision is certified to the Governor who may either attempt further conciliation, or may appoint another board of arbitration if the parties to the dispute do not wish to engage in further collective bargaining.

<u>State</u>	<u>Authority</u>	<u>Address</u>
IOWA	Bureau of Labor	Charles W. Harness, Commissioner Bureau of Labor State House Des Moines 19, Iowa

IOWA (Continued)

There is no State authority established by law to engage in mediation and conciliation of labor disputes. However, in practice the Commissioner of Labor and his deputy in the Bureau of Labor have on occasions offered their services when requested by one of the parties to effect settlement of labor disputes by mediation and conciliation. In rare cases, the Bureau of Labor has intervened to endeavor to settle a dispute on its own motion. The Bureau has handled labor grievances for years and expects to continue to do so when called upon by either party.

Whenever there is a labor dispute involving 10 or more employees in a business not in interstate commerce, the parties to the dispute or other proper persons may make written application to the Governor for appointment of a board of arbitration and conciliation. The members of the board shall within 10 days of their appointment complete an investigation of the dispute. During this period, strikes and lock-outs are forbidden. Within 5 days after the investigation is completed, the board shall render a decision and file its report with the Governor. The decision is binding on the parties that joined in the application.

<u>State</u>	<u>Authority</u>	<u>Address</u>
KANSAS		No authority

There is no authority to promote the mediation and conciliation of labor disputes.

<u>State</u>	<u>Authority</u>	<u>Address</u>
KENTUCKY	Department of Industrial Relations	George Burton, Commissioner Department of Industrial Relations Frankfort, Kentucky

The Commissioner of Labor may act as conciliator and mediator, and appoint conciliators and mediators in labor disputes whenever his intervention is requested by either party. He may also offer his services as conciliator and mediator if any emergency by reason of a labor dispute is found to exist at any time. If the Governor directs, the Commissioner shall take any steps he considers proper to effect a voluntary, amicable settlement of differences between employer and employees.

KENTUCKY (Continued)

In any labor dispute in which the services of the Commissioner as conciliator and mediator have been accepted by both parties, no strike or lock-out shall take place pending the efforts of the Commissioner or his authorized representatives to conciliate and mediate the dispute. When the services of the Commissioner as conciliator or mediator are accepted by both parties to a labor dispute, he shall promptly investigate and undertake to conciliate and mediate it without delay, but no agreement accepting the service of the Commissioner shall be binding on either party for longer than 15 days unless the term is extended by mutual consent of the parties to the agreement. Nothing in this provision applies where a joint wage agreement provides for settlement of disputes. Any dispute arising under such agreement must be settled according to it. Also nothing in this provision applies where the authority of a Federal agency assumes jurisdiction. If the Commissioner of Labor assumes jurisdiction, the authority of the Commissioner ceases pending Federal jurisdiction.

<u>State</u>	<u>Authority</u>	<u>Address</u>
LOUISIANA	Department of Labor	W. F. Metzger, Commissioner Department of Labor 126 Capitol Annex Baton Rouge, Louisiana

The Commissioner of Labor is empowered to promote voluntary arbitration and conciliation of labor disputes. The Commissioner is required to designate a deputy to act as chief mediator, and he may designate other deputies from time to time to act as his assistants. He may also appoint temporary boards of arbitration, prescribe rules and procedures for such arbitration boards, and conduct investigations and hearings.

<u>State</u>	<u>Authority</u>	<u>Address</u>
MAINE	Department of Labor and Industry	Miss Marion Martin, Commissioner Department of Labor and Industry Augusta, Maine (State Board of Arbitration and Conciliation in Department of Labor and Industry)

A tripartite State board of arbitration and conciliation in the Department of Labor and Industry which shall be notified by the public officials of any city or town, or by any citizen directly involved, or which may be

MAINE (Continued)

notified by the employer or the employees involved, that a strike is threatened or has occurred, may attempt, if ten or more employees are involved, to adjust the dispute by mediation. The State board shall, upon request of the Governor, investigate and report upon any controversy if, in the Governor's opinion, it threatens the public welfare.

If the parties submit the dispute to arbitration, and the parties involved agree to abide by the decision of the board, the board shall make an investigation and may publish a report. A decision of the board shall for 6 months be binding upon parties joining in the agreement, or until 60 days after notice that a party will not be bound. There is also provision for the parties to submit the controversy to a local board of arbitration having the same powers as a State Board.

<u>State</u>	<u>Authority</u>	<u>Address</u>
MARYLAND	Department of Labor and Industry	Joseph F. DiDomenico, Commissioner Department of Labor and Industry 12 East Mulberry Street Baltimore, Maryland

The Commissioner of Labor shall do all in his power to promote voluntary arbitration, mediation, and conciliation of all labor disputes. Upon information furnished by an employer, a committee of employees, or from any other reliable source, that a controversy involving 10 or more persons may result in a strike or lock-out, the Commissioner shall at once visit the place of controversy and seek to mediate between the parties, if in his discretion it is necessary to do so. Subject to the approval of the Governor, the Commissioner may appoint a chief mediator.

If mediation cannot be effected, the Commissioner shall attempt to secure the consent of the parties to the formation of a board of arbitration. Subject to the Governor's approval, the Commissioner may appoint boards of arbitration.

<u>State</u>	<u>Authority</u>	<u>Address</u>
MASSACHUSETTS	Department of Labor and Industries	Daniel J. Boyle, Commissioner Department of Labor and Industries State House Boston 33, Massachusetts (Board of Conciliation and Arbitration in Department of Labor and Industries)

MASSACHUSETTS (Continued)

The public officials of any town shall, or the Governor or either party to the dispute may, notify the State board of arbitration and conciliation when a strike or lock-out is threatened or has occurred. If a settlement is not agreed upon and the parties will not submit to arbitration, the board shall investigate the dispute and publish a report assigning the blame. The board, subject to the approval of the Commissioner of Labor and Industries, may employ agents to assist in the investigation. If the parties apply for arbitration, the application must contain a promise not to engage in a strike or lock-out until the board gives a decision, if such is given within 3 weeks of the filing of the application. The board's decision is binding on the parties joining in the application for 6 months, unless a stipulation that the contract shall run for a longer period is contained in the application.

Special procedures are established by law for the handling of industrial disputes that endanger public health and safety. When the Commissioner of Labor and Industries finds that such a dispute has not been settled by collective bargaining and eminently threatens the interruption of essential goods and services, he is required to certify the dispute to the Governor. The Governor may (1) require the disputants to appear before a moderator, appointed by him, who will try to persuade the parties to submit the dispute to arbitration in a mutually acceptable form; or (2) he may request the parties voluntarily to submit the dispute to a tripartite emergency board of arbitration appointed by the Governor. The emergency board must conduct hearings and file its report with the Governor within 30 days after the submission of such a dispute unless the parties mutually agree to extend the period. If these procedures fail, the Governor is authorized under prescribed conditions to declare the existence of an emergency. During such emergency, provision is made for government operation and seizure of the facilities. Strikes and lock-outs are forbidden during this period. When no emergency board has been appointed, the Governor may appoint a special board of arbitrators. The special board, after hearings, may make recommendations within prescribed limitations concerning wages and conditions of employment for the period of public operation, which may be made effective in the discretion of the Governor. Whenever the parties jointly report in writing to the Governor that an agreement has been reached, and services can be resumed without interruption, provision is made for the cessation of government operation.

StateAuthorityAddress

MICHIGAN

Labor Mediation Board

Phillip Weiss, Chairman
Labor Mediation Board
226 South Walnut
P. O. Box 552
Lansing, Michigan

MICHIGAN (Continued)

A 3-man labor mediation board is authorized by law to mediate labor disputes. In case of an impending strike or lock-out, the parties are required by law to notify the board not less than 10 days before the strike or lock-out is to become effective. In an industry affected with the public interest, or in a public utility or hospital, the board must be notified 30 days before an impending strike or lock-out becomes effective. If the board's mediation efforts fail, it is empowered to hold elections to settle disputes. The board is also empowered to settle jurisdictional disputes by mediation, and if mediation fails it may hold an election to determine the dispute.

When the board fails by mediation to settle a dispute in a public utility, municipally owned utility, or any hospital, it must certify the existence of such dispute to the Governor rather than call an election. The parties to the dispute may within 10 days voluntarily agree to submit the issues to an arbitration board of their own choosing, in which event they shall notify the board that they have so agreed. If they fail to do so, provision is made for appointment of an arbitration board, which board shall hold hearings and within 30 days from the date the issues have been submitted, make a determination of the issues and file written copy with the labor mediation board and the parties. The determination of the board is binding on the employer and employees.

StateAuthorityAddress

MINNESOTA

Division of Conciliation
Department of Labor and
Industries

Leonard W. Johnson
Conciliator
Division of Conciliation
Department of Labor
and Industry
304 State Capitol
St. Paul, Minnesota

A Division of Conciliation in the Department of Labor, but not subject to its control, is established by law to conciliate labor disputes on receipt of notice to strike or lock-out, on request of either party. The Division of Conciliation is in charge of a labor conciliator appointed by the Governor. The labor conciliator is authorized to employ assistants for mediation activities. Provision is also made for appointment of special conciliators by the Governor for conciliating particular disputes. Such conciliators are drawn from a roster of qualified persons prepared by the labor conciliator and kept available to the Governor and to the public.

MINNESOTA (Continued)

Notice of intention to strike or lock-out must be given the labor conciliator and the other parties to the dispute 10 days before such action is to be effective. If the strike or lock-out does not become effective within 90 days from the date the notice is served on the labor conciliator, it becomes unlawful to strike or lock-out before a new notice is served. The notice must state the nature of the dispute and the demands of the party who serves it. Upon receipt of a notice of intention to strike or lock-out, the labor conciliator arranges a conference with the parties. He is empowered to take whatever steps he deems most expedient to bring about a settlement of the dispute.

The labor conciliator may take jurisdiction of a labor dispute in which negotiations have failed, if either party to the dispute, before a notice to strike or lock-out, files a petition requesting the conciliator to act in the dispute.

Provision is also made for submission of a labor dispute to arbitration by written agreement of the parties, and procedures are established for such submission.

In labor disputes in an industry, business, or institution engaged in supplying the necessities of life, safety, or health, and thus affecting the public interest, the labor conciliator is required by law to notify the Governor, who may appoint a special tripartite commission to hear the dispute, and make a report on the issues involved, and the merits of the respective contentions of the parties. The report must be filed within 5 days before the end of a 30-day period beginning when the Governor is notified, and may be published as he may determine, in one or more legal newspapers in the counties where the dispute exists. Strikes and lock-outs in such disputes are prohibited, if a special commission is appointed by the Governor, for the 30-day period. This limitation becomes inoperative if the Governor does not appoint a special commission within 5 days from the date he is notified of the dispute by the labor conciliator. If, however, the Governor thereafter appoints a commission, the limitation again becomes effective.

State

MISSISSIPPI

No authority

No State authority has been established to mediate and conciliate labor disputes.

<u>State</u>	<u>Authority</u>	<u>Address</u>
MISSOURI	No authority but there is provision for the mediation of labor disputes in public utilities.	

The only provision by law for mediation and conciliation of labor disputes by a State agency is with reference to disputes in public utilities. The Act, providing for the regulation of labor disputes in public utilities, establishes a 5-man State board of mediation. The board is empowered to employ conciliators and other assistants.

Intervention by the board into such a labor dispute may be made upon application by either party to the dispute or upon the board's own motion. The board is empowered to take whatever steps it deems expedient to bring about a settlement of the dispute, including assisting in negotiating and drafting a settlement agreement. The Act requires that notice be given the board 60 days before the end of any renewal period of a contract, or 60 days before any termination date desired thereafter if either of the parties desires changes in or termination of a collective bargaining agreement. The parties are also required to notify each other of any proposed change in the status of the agreement 60 days prior to the change.

Within 5 days after the termination date of the agreement, if final agreement in writing has not been agreed to by the parties, or if an agreement has not been reached to submit the dispute to arbitration, each party shall designate in writing a person as a Public Hearing Panel member and file such designation with the board. The two panel members thus chosen shall designate a third person, and these three shall act as a panel. If the parties fail to designate the panel representatives as provided by law, the board must do so. Within 15 days the panel must hold and complete public hearings on the changes requested to the contract, unless the period is extended by mutual written consent of the parties. Within 5 days after the hearings have closed, the panel is required to file a written report with the Governor which sets forth its findings and recommendations.

If either of the parties refuses to accept the recommendations made by the panel, and if the Governor feels that the continued operation of utilities is threatened, and if certain other conditions exist, he is authorized to take possession of the utility for operation by the State. Strikes are prohibited during this period. The public utility will be returned to the owners as soon as practicable after settlement of the dispute.

<u>State</u>	<u>Authority</u>	<u>Address</u>
MONTANA	Department of Agriculture, Labor, and Industry	Albert Kruse, Commissioner Department of Agriculture, Labor, and Industry Helena, Montana

There is statutory provision for a State board of arbitration and conciliation, but in practice such a board does not exist at the present time. The Labor Division of the Department at the present time offers its services in connection with labor disputes.

State

NEBRASKA

No authority

There is no State authority established to mediate and conciliate labor disputes.

Provision is made for compulsory arbitration of disputes in public utilities by a recent law that all industrial disputes involving the service of a public utility shall be settled by invoking the jurisdiction of the Court of Industrial Relations. Any employer, employee, or labor organization or the State Attorney General on his own initiative, or by order of the Governor, in disputes involving public utilities may file a petition with the court invoking its jurisdiction. The court established by the Act, consists of three judges appointed by the Governor for 6-year terms. The court's orders are of the same force and effect as similar orders issued by the district court and are enforceable in the State courts.

Any industrial dispute, not within the jurisdiction of the Court of Industrial Relations under the Act providing for compulsory arbitration of public utilities may, by mutual agreement of the parties in writing and with the consent of the court, be referred to the Court of Industrial Relations for arbitration. The findings or orders of such court in such proceedings have the same force and effect as in disputes in public utilities.

<u>State</u>	<u>Authority</u>	<u>Address</u>
NEVADA	Department of Labor	R. N. Gibson, Commissioner Department of Labor Carson City, Nevada

NEVADA (Continued)

The State Labor Commissioner on authority from the Governor has been ordered to offer mediation in all labor disputes. By law the Governor must, on request of either party, attempt to settle the dispute by mediation and conciliation. If he is unsuccessful, he shall attempt to bring about an arbitration. If the parties consent to having him do so, a temporary tripartite board of arbitration may be established. The submission to arbitration shall contain a stipulation that the award shall be filed within 30 days from the appointment of the third arbitrator who is named by the Governor, when labor and management representatives cannot agree on the third arbitrator. The parties name one representative each to serve on the temporary board of arbitration. During the 30-day period of arbitration proceedings, there shall be no change in the status of the parties. The board's award shall be final unless set aside for error of law. The award shall be in force for one year.

<u>State</u>	<u>Authority</u>	<u>Address</u>
NEW HAMPSHIRE	Bureau of Labor	William H. Riley Labor Commissioner Bureau of Labor Concord, New Hampshire

When it comes to the knowledge of the Commissioner of the Bureau of Labor that a strike or lock-out is threatened or has occurred, involving an employer employing 10 or more in the same general line of business, the Commissioner is required to endeavor by mediation to effect an amicable settlement or to persuade the parties to submit the matter to the board of arbitration. In any labor controversy, upon application by either party to a labor dispute, involving 10 or more persons in the same line of business, the Commissioner of Labor is required to visit the locality, make careful inquiry, hold hearings, and advise the parties as to adjustment of the dispute within 5 days after the inquiry. If the parties fail to agree to a settlement through the Commissioner of Labor, he must attempt to persuade them to submit their differences to the board of conciliation and arbitration.

The State board of conciliation and arbitration consists of three members, tripartite in nature. The members of this board are appointed by the Governor.

<u>State</u>	<u>Authority</u>	<u>Address</u>
NEW JERSEY	State Board of Mediation Department of Labor	Walter T. Margetts, Jr. Chairman Board of Mediation Department of Labor 1060 Broad Street Newark, New Jersey

A 7-man State board of mediation is established in the Department of Labor to promote voluntary mediation of labor disputes. Upon its own motion, in an existing, imminent, or threatened labor dispute, the State board of mediation may, and upon the request of either or both parties to the dispute must take steps it deems expedient to effect a voluntary, amicable, and expeditious adjustment of the differences between employer and employees which have culminated in, or threatened to culminate in a labor dispute. It is the board's duty to hold conferences, discuss grievances and differences with the parties, and assist in negotiating and drafting agreements for the adjustment of disputes. Whenever the controversy cannot be settled by mediation, it may be submitted to arbitration by agreement of the parties.

The duties of the State board of mediation are further by law enlarged with respect to labor disputes in public utilities, and additional machinery for such disputes is created. Notice of specific changes proposed in a labor agreement between the management of a utility and its employees, must be given the State board of mediation at least 60 days before the original termination date or 60 days before the end of any renewal period. If the parties do not reach an agreement in writing on or before the contract termination date, each designate in writing a person as a Public Hearing Panel member and file such designation with the State board of mediation. The two designated persons shall choose a third member of the panel. The panel is required to hold hearings within 15 days unless the period is extended by mutual agreement of the parties. Within 5 days after the hearings have closed, the panel is required to file a written report with the Governor, setting forth its findings and recommendations. If either or both parties fail to designate representatives to the Public Hearing Panel, the Governor is required to appoint representatives in accordance with procedures specified in the law. If either party refuses to abide by the recommendations made by the Public Hearing Panel, and if the effective operation of a public utility is threatened or interrupted, or if either party after having given 60 days' notice, or failing to give such notice engages in a strike or lock-out, which in the Governor's opinion will interfere with continued operation of the utility, the Governor may take possession of the utility for use and operation by the State.

NEW JERSEY (Continued)

Strikes and lock-outs are unlawful until 60 days have elapsed after written notice of intention to strike or lock-out has been served on the State board of mediation. During this period it is the duty of the parties to continue in good faith to try to reach an agreement.

Within 10 days after the Governor takes possession of a public utility, the existing dispute must be submitted to a 5-man board of arbitration. The board is selected by procedures prescribed by the Act. The board must make findings of fact and promulgate a written decision within 30 days. Within 30 days after the board's decision has been filed with the Governor, any party may secure judicial review by appeal to the Supreme Court. The findings of the board upon facts shall be conclusive, if supported by evidence.

State

NEW MEXICO

No authority

No State authority has been established to mediate and conciliate labor disputes.

StateAuthorityAddress

NEW YORK

State Board of Mediation
Department of LaborArthur S. Meyer, Chairman
State Board of Mediation
Department of Labor
270 Broadway
New York, New York

The State board of mediation in the Department of Labor, upon its own motion, in an existing, imminent, or threatened labor dispute may and upon the direction of the Governor must take steps as it may deem expedient to effect a voluntary, amicable, and expeditious settlement of the difference between employer and employees which have culminated in or threatened to culminate in a labor dispute. The board is empowered to appoint assistants to aid in carrying out its duties, and in cases affecting the public interest it may appoint special mediators. In addition, the Industrial Commissioner is authorized to appoint temporary boards of inquiry if a certificate for the appointment of such boards is filed by the State board of mediation, stating that the board's efforts to effect a voluntary settlement have failed.

NEW YORK (Continued)

Note: Dispute notices under the Labor-Management Act of 1947 should be addressed to the office of the State Board of Mediation located nearest to the locale of the dispute. Such notice can be sent to any one of the following four offices of the board:

New York Office:
270 Broadway
New York, New York

Buffalo Office:
State Office Building
Buffalo 2, New York

Albany Office:
State Office Building
Albany 1, New York

Syracuse Office:
Foote Building
316 S. Warren Street
Syracuse 2, New York

<u>State</u>	<u>Authority</u>	<u>Address</u>
NORTH CAROLINA	Department of Labor	Forrest H. Shuford, Commissioner Department of Labor Raleigh, North Carolina

Upon his own motion, in an existent or imminent labor dispute the Commissioner of Labor may, and upon the direction of the Governor must order a conciliator to try to effect a voluntary, amicable, and expeditious settlement of the issues in a dispute. A division of conciliation is established in the Department of Labor to carry out these duties. Employees are appointed for this purpose by the Commissioner of Labor.

An arbitration service is also established in the Department of Labor. If mediation and conciliation efforts fail to settle a labor dispute, it may be submitted, by agreement of the parties, to an arbitration panel or a single arbitrator. The Commissioner of Labor is required to maintain a list of arbitrators. Procedures for selection of an arbitration panel or a single arbitrator are specified. Where the Commissioner of Labor has appointed an arbitrator, a report of the findings of fact and the award must be made within 30 days, unless this time shall be extended by agreement of the parties or by the Commissioner of Labor for good and sufficient reason.

<u>State</u>	<u>Authority</u>	<u>Address</u>
NORTH DAKOTA	Department of Agriculture and Labor	Math Dahl, Commissioner Department of Agriculture and Labor State Capitol Bismarck, North Dakota

NORTH DAKOTA (Continued)

No State authority has been established to mediate and conciliate labor disputes. In practice, however, the Labor Division of the Department of Agriculture and Labor offers mediation and conciliation services.

<u>State</u>	<u>Authority</u>	<u>Address</u>
OHIO	Industrial Commission	G. L. Coffinberry, Chairman Industrial Commission 65 South Front Street Columbus 1, Ohio

An Industrial Commission is authorized by law to do all in its power to promote voluntary arbitration, mediation, and conciliation of labor disputes. It must designate a chief mediator, and it may detail other deputies from time to time to act as assistants. It may also appoint temporary arbitration boards, prescribe rules for such boards, and conduct investigations and hearings in connection with labor disputes. All mediation and arbitration powers and duties formerly imposed on the State board of arbitration and conciliation are now imposed on the Industrial Commission.

<u>State</u>	<u>Authority</u>	<u>Address</u>
OKLAHOMA	State Board of Arbitration and Conciliation Department of Labor	Jim Hughes, Commissioner of Labor State Board of Arbitration and Conciliation Department of Labor State Capitol Oklahoma City 5, Oklahoma

A State board of arbitration and conciliation in the Department of Labor composed of two farmers, two employee representatives, and two employer representatives must, if a strike or lock-out is threatened involving not less than 25 persons, communicate with the disputants and try to persuade them to submit the dispute to the board. The Commissioner of Labor serves as chairman of the board, and the Assistant Commissioner serves as secretary. The mayor of a city, and the chief executive officer of a labor organization are also required by law to notify the board of certain threatened or existing strikes or lock-outs.

If the parties don't agree to submit the dispute to the board, and a majority of the board feels the general public would suffer injury by a strike or lock-out, then the board may investigate the dispute on its own motion and make public its findings and recommendations.

Written application to the board for conciliation and arbitration services by either party must contain a promise to continue in business or at work without strike or lock-out until the decision of the board is rendered, if it is rendered within 10 days.

<u>State</u>	<u>Authority</u>	<u>Address</u>
OREGON	Board of Conciliation	Rev. Raymond B. Walker, Chairman Board of Conciliation 1126 S. W. Park Avenue Portland 5, Oregon

The State board of conciliation must put itself in communication with the parties to a dispute, involving not less than 50 persons, whenever a strike or lock-out is threatened. The board must endeavor to persuade the parties to adjust the dispute.

If the dispute is not adjusted, investigation of the cause of the dispute by the board may be requested by city or county officials or by either of the parties. If the findings and recommendations made by the board subsequent to the investigation are not satisfactory to either party, written application may be made to the board to have the controversy submitted to a board of arbitration, whose award shall be binding.

If the parties to the labor dispute refuse to accept the findings of the State board of conciliation, or refuse to consent to the appointment of a board of arbitration and to abide by its award, the State board of conciliation shall prepare written findings, placing the blame for the dispute, and shall file copies with the county clerk, and the Commissioner of Labor.

<u>State</u>	<u>Authority</u>	<u>Address</u>
PENNSYLVANIA	Department of Labor and Industry	William H. Chesnut, Secretary Department of Labor and Industry South Office Building Harrisburg, Pennsylvania

Upon request of either of the parties, or upon its own motion, the Department of Labor and Industry shall communicate with the parties to a labor dispute and use its best efforts by mediation to bring the parties to agreement.

Provision is made for the dispute by mutual agreement to be submitted to a tripartite board of arbitration if not settled by mediators.

Special provision is made by law for the handling of disputes in public utilities. The Employment Relations Board is authorized to appoint a panel of persons to serve as conciliators or arbitrators. If there is a labor dispute between a public utility employer and his employees and settlement is not reached, either party to the dispute may petition the Employment Relations Board to appoint a conciliator.

PENNSYLVANIA (Continued)

In the event the dispute is not settled by mediation, the Board is authorized to appoint arbitrators to hear and determine the controversy. The arbitrators may establish wage rates and other conditions of employment comparable to prevailing wage rates and conditions of employment. The arbitrators are authorized to issue an order which is binding and effective for one year after it is filed with the clerk of the circuit court unless reversed on appeal to the court.

Strikes and lock-outs which would cause an interruption of an essential service are unlawful and constitute a misdemeanor. The Employment Relations Board is authorized to file injunction proceedings to enjoin the violation of the act.

<u>State</u>	<u>Authority</u>	<u>Address</u>
RHODE ISLAND	Department of Labor	Joseph T. Cahir, Acting Director Department of Labor State House Providence, Rhode Island

The Director of the Department of Labor must by law do all in his power to promote voluntary mediation and conciliation of labor disputes. In actual practice, for administrative reasons, the director, acting either in person, or by duly appointed assistants, conciliates and mediates labor disputes as part of the functions of the Division of Labor Relations. The director may, whenever he deems advisable, subject to approval of the Governor, appoint a temporary board of mediation and conciliation for the consideration and settlement of controversies and disputes. Such board may hold hearings and conduct investigations.

<u>State</u>	<u>Authority</u>	<u>Address</u>
SOUTH CAROLINA	Department of Labor	R. L. Gamble, Commissioner Department of Labor Wade Hampton Office Building Columbia, South Carolina

The Commissioner of Labor has the duty of investigating industrial disputes, strikes, and lock-outs, of making findings of fact as to causes, and endeavoring to induce the parties to arrive at agreements. When such

SOUTH CAROLINA (Continued)

efforts fail in settling disputes, he may appoint a temporary tripartite committee which has the same duties, by law, as the Labor Commissioner with regard to aiding by conciliation the settlement of labor disputes. These duties are inapplicable to railroad corporations or express companies doing business by rail or to employees, receivers, or trustees of such corporations or companies. There is a division of conciliation established in the Department of Labor manned by conciliators appointed by the Commissioner.

When requested to do so by both parties to a dispute, the Commissioner of Labor may appoint arbitrators or act as arbitrator.

<u>State</u>	<u>Authority</u>	<u>Address</u>
SOUTH DAKOTA	Office of Industrial Commissioner	Sigurd Anderson Industrial Commissioner Pierre, South Dakota

The Industrial Commissioner shall endeavor to conciliate labor disputes by conferring with the parties and inducing them to compose their differences. He may offer his services whenever he deems it advisable in the interest of the public or either party. If conciliation efforts fail, he is required to investigate the dispute and publish a report and his recommendations for settlement.

<u>State</u>	<u>Authority</u>	<u>Address</u>
TENNESSEE		No authority

No State authority is established to mediate and conciliate labor disputes.

<u>State</u>	<u>Authority</u>	<u>Address</u>
TEXAS		No authority

Authority to mediate and conciliate labor disputes is not placed by law in a State agency, but when the Governor is convinced or has reason to believe that controversies between employers and employees are of such nature and character as to be of public concern, he is required by law to refer them to an established 5-man Industrial Commission for investigation and report. The Commission, appointed by the Governor, consists of one

TEXAS (Continued)

representative of labor, one representative of employers, and three public representatives.

The Commission is required to report to the Governor with recommendations for settlement of the controversy. It must also report its findings and recommendations to the legislature, if in session, and if not in session, to the succeeding session. It is also required by law that the findings and recommendations of the Commission be furnished to news agencies and newspapers in the State.

<u>State</u>	<u>Authority</u>	<u>Address</u>
UTAH	Industrial Commission	Eldred M. Royle, Chairman Industrial Commission of Utah (Utah Labor Relations Board) 438 State Capitol Salt Lake City, Utah

By law it shall be the duty of the Industrial Commission, and it shall have "full power, jurisdiction, and authority to promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees."

There is also constitutional provision for establishing a board of labor conciliation and arbitration, but no enacting legislation has established such a board.

<u>State</u>	<u>Authority</u>	<u>Address</u>
VERMONT	Department of Industrial Relations	Howard E. Armstrong, Commissioner Department of Industrial Relations Montpelier, Vermont

Whenever a strike or lock-out is threatened or has occurred, notice may be given to the Commissioner of Industrial Relations by either party. Upon receipt of such notice, the Commissioner investigates the controversy and draws up a report of the issues, which is first submitted to the parties. The Governor or his appointee then attempts to mediate the dispute, or to persuade the parties to submit the dispute to an arbitration board.

VERMONT (Continued)

If the parties agree to such submission, the Governor is empowered to appoint a 3-man arbitration board. The board's award is binding on the parties for 6 months, or for 60 days after notice of either party of intention not to be bound by it.

<u>State</u>	<u>Authority</u>	<u>Address</u>
VIRGINIA	Department of Labor and Industry	John Hopkins Hall Jr., Commissioner Department of Labor and Industry Finance Building Richmond, Virginia

No State authority is specifically established to mediate labor disputes, but the Department of Labor and Industry, when requested to do so, offers its services to mediate and conciliate disputes.

The Governor is authorized by law to exert mediation efforts in disputes between employers and employees in public utilities. Strikes and lock-outs are prohibited until the parties have complied with certain procedures. Whenever a change in pay, or any other condition of employment is desired, the party proposing such change must give notice to the other party, at the same time sending a copy of the notice to the Governor. The notice must designate a time and place for conferring with reference to the proposal not less than 2 days nor more than 60 days after the notice is given. If no agreement is reached at the first conference, another conference must be held 10 days later. The Governor, having also been notified of the second conference, may attend and may attempt to mediate the dispute. If either party feels that these and any additional negotiations will prove fruitless, the Governor must request the parties to submit the dispute to arbitration under terms and conditions mutually agreeable. If the parties are unwilling to arbitrate, and either party decides to engage in a strike or lock-out, he must notify the Governor. Strikes or lock-outs are forbidden for 5 weeks from the time the Governor is last notified. Under certain conditions, the Governor may decide to seize and operate the utility until normal operations may be resumed.

<u>State</u>	<u>Authority</u>	<u>Address</u>
WASHINGTON	Department of Labor and Industries	Earl N. Anderson, Director Department of Labor and Industries Olympia, Washington

WASHINGTON (Continued)

The Director of Labor and Industries has the duty, by law, of promoting mediation and conciliation of industrial disputes. He may appoint an assistant director who shall be the State mediator. Upon application of either party to a labor dispute, it is his duty to make careful inquiry into the dispute and advise the parties as to a settlement. If his efforts fail to settle the dispute, he must try to persuade the parties to submit their differences in writing to a board of arbitration. Procedures are established for selecting the board, and provision is made that its findings shall be final.

<u>State</u>	<u>Authority</u>	<u>Address</u>
WEST VIRGINIA	Department of Labor	Charles Sattler, Commissioner Department of Labor Quarrier Street Charleston 1, West Virginia

A conciliation service is established in the Department of Labor by instruction of the Governor. When the Department has information of a threatened labor dispute, strike or lock-out, the mediation services of the Department are offered. The Department is also charged with the responsibility and general authority for promoting the welfare of the working classes and promoting the best interests and productivity of its industries. Conciliation, in the opinion of the Attorney General, is considered a function of the Department.

<u>State</u>	<u>Authority</u>	<u>Address</u>
WISCONSIN	Employment Relations Board	L. E. Gooding, Chairman Employment Relations Board 240 North State Capitol Madison 2, Wisconsin

The Wisconsin Employment Relations Board may appoint a mediator to act in any labor dispute upon its own motion or upon request of one of the parties to a dispute. It is required by law that the board be given a 10-day notice of intent of strike in disputes between employers and employees engaged in producing, harvesting, and initial processing of farm or dairy products. The board, upon receipt of notice must attempt to effect mediation, and if unsuccessful it must attempt to persuade the parties to submit the dispute to arbitration.

WISCONSIN (Continued)

Further provision has recently been made to provide settlement procedures for labor disputes between public utility employers and their employees. The Employment Relations Board is required to appoint a panel of persons to serve as conciliators or arbitrators in such disputes. When a labor dispute in a public utility reaches a stalemate, then either party may petition the board to appoint a conciliator from the panel. Upon the filing of such petition, if in the board's opinion an impasse has been reached in collective bargaining, and if the dispute, if not settled, is likely to cause the interruption of an essential service, the board shall appoint a conciliator. If the conciliator is not able to effect a settlement within 15 days after his appointment, he is required to report this fact to the board, and procedures are established for appointment of an arbitrator or arbitrators. The arbitrator is required to hold hearings, make findings of fact, and promulgate a written decision and order within 30 days after his appointment, except the period may be extended by mutual agreement of the parties or by the board. The award is binding for one year unless changed by mutual consent of the parties or unless a petition for review is filed by either party within 15 days with the clerk of the circuit court.

Strikes and lock-outs are prohibited which would cause an interruption of essential service.

The Industrial Commission is also empowered by law to promote voluntary arbitration, mediation, and conciliation of labor disputes.

StateAuthorityAddress

WYOMING

No authority

There is no specific provision by law for the mediation and conciliation of labor disputes.

There is, however, provision in the State constitution for the legislature to establish courts of arbitration to hear and determine labor disputes, but there has been no enacting legislation.

TerritoryAuthorityAddress

ALASKA

Territorial Department
of LaborHenry A. Benson
Commissioner of Labor
Territorial Department
of Labor
P. O. Box 2141
Juneau, Alaska

ALASKA (Continued)

The Commissioner of Labor is empowered to act as mediator in labor disputes and to appoint deputy commissioners of conciliation whenever in his judgment the interest of industrial peace may require it to be done.

The Governor may mediate a labor dispute upon request of either party. If mediation fails, the matter may be referred with the consent of the parties to a temporary arbitration board, tripartite in nature. The decision of the arbitration board is filed with the clerk of the district court and becomes binding for a period of one year.

<u>Territory</u>	<u>Authority</u>	<u>Address</u>
HAWAII	Department of Labor and Industrial Relations	L. Q. McComas, Director Department of Labor and Industrial Relations Building A Iolani Palace Grounds Honolulu 2, Hawaii

A 5-man commission has the power and duty by law to promote the voluntary mediation of labor disputes. The commission may designate the Director of Labor and Industrial Relations to act as mediator. The commission may also appoint temporary boards of mediation, prescribe rules of procedure for such boards, and conduct investigations and hearings. When mediation efforts fail to settle a controversy, it may, by agreement of the parties, be submitted to a temporary arbitration board.

When the Governor finds that mediation efforts have failed, and that the parties are unable or refuse to enter into an agreement for arbitration, he is empowered to appoint an emergency board of disinterested persons to investigate and report respecting the controversy. Such board is required to make its report to the Governor not later than 30 days from the date of its creation.

In a dispute between a public utility and its employees where written notice of intent to lock-out or strike is given by either party to the director, he is required to appoint within 3 days a board of mediation. The board must use its best efforts by mediation to bring the parties to agreement. If mediation efforts fail, the board must endeavor to induce the parties to submit the controversy to arbitration. The board is required to make a written report with recommendations to the director within 12 days, except that the time may be extended by mutual consent of the parties.

HAWAII (Continued)

The director must advise the Governor of the contents of the board's report, and if the dispute has not been settled the Governor may appoint an emergency board. The emergency board is required to report on its investigation of the controversy within 10 days and to make its report public.

After notice of strike or lock-out is given and until expiration of 12 days after the board of mediation has made its report or, if an emergency board is appointed, until expiration of 12 days after its report is made, no change is permitted, except by agreement, in the conditions prevailing before the actual or proposed change out of which the dispute arose. Strikes and lock-outs are also prohibited during this period.

Provision is also made for the mediation of certain disputes that fall within the jurisdiction of the Hawaii Employment Relations Board. The Act creating the Hawaii Employment Relations Board provides that the Governor shall appoint a person as "conciliator," and specifies that his office shall be in the office of the board. The board is directed to refer any dispute falling within its jurisdiction to the conciliator. If after 10 days he has failed to conciliate the dispute, he is required to certify this fact to the board.

This Act further requires that employees of any employer engaged in production, harvesting, or initial processing of agricultural or dairy products give the board a 10-day notice of intent to strike.

<u>Territory</u>	<u>Authority</u>	<u>Address</u>
PUERTO RICO	Department of Labor	Fernando Sierra Berdecia, Commissioner Department of Labor Arsenal Street San Juan 8, Puerto Rico

The Commissioner of Labor is empowered to promote and stimulate the best relations between laborers and employers by mediating and conciliating in industrial conflicts. A conciliation service in the Department of Labor, staffed with a director, three conciliators, and two arbitrators, has the duty of intervening and mediating for the purpose of keeping industrial peace in such disputes, conflicts, or controversies, both industrial and agricultural, as may arise.