

TRADE UNION FINANCES IN THE U. S. A.

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TRADE UNION FINANCES IN THE UNITED STATES

Introduction There are no set rules regarding the financing of trade unions in the United States except that the business of financing the activities of the trade union movement is the business of the members of the union. Trade union members will get exactly what they pay for. If they are stingy and will not pay adequate dues to their union, they will have a financially weak organization. If they want government to help finance the union, they should not be surprised if the government tries to dictate union policy. If they want the company to share the expenses of the union, they should not be surprised to find out that they have a goyo union.

If workers will not pay for their own trade union, they will find it easy for the government to give them a Sampo, or the employers to give them a goyo kumiai.

In other words, the amount of dues trade union members should pay is determined by what they want the union to do for them. They should pay dues sufficient to pay all of the legitimate expenses of their local unions, regional councils, national unions, and federations of national unions and to build up some reserves for emergencies.

Principles There are several principles with regard to trade union finances which are fundamental to democratic trade unionism. The first is that the duties of the union members in charge of finances are outlined in the constitution of the national union, and in the by-laws of the local unions. Methods are prescribed as to how much people will pay, when they will pay, and how the payments will be recorded. American practice is generally that dues collectors are bonded, and treasurers are bonded in order to protect the collectors AND the members from embezzlement or loss of funds.

As a check on local union and national financial officers, the national union constitution will provide for official auditors who visit local unions and audit their books once a year. The auditors also go over the books of the national union, submitting their printed report to the general convention of the national union.

Through these various measures, the use and collection of trade union finances are checked at all times, and the danger of financial abuses is minimized.

Organizational  
Financial Structure The financial structure of the American unions is somewhat complicated, but there is a general pattern. The local unions are located in all parts of the country, and are the basic unit of the labor movement. They are autonomous to a great degree and are the source of authority. When there are several local unions of various industries in a given area of a city, they may organize a city-wide District Council or a Joint Board. Then there are many unions within a Ken; they will all organize on the Ken level. CIO unions form Ken CIO Councils. AFL locals form Ken Federations of Labor.

On the national level, there are two forms of organization. The basic national organization is the national industrial or craft organization. For instance, in the AFL, the United Mine Workers is an industrial union of all miners; the ILGWU is a semi-craft, semi-industrial organization of all persons in the Ladies'



Garment industry; the Carpenters and Joiners Union is the organization of all carpenters in America. Likewise, in the CIO, all auto workers belong to the UAW, all rubber workers to the URW, all steel workers to the USA, and all textile workers to the TWUA. The commodity produced is the basis for organization by industry.

The national unions then affiliate with each other in order to secure greater power, coordination, and by pooling resources, have a top service organization.

The CIO with its headquarters in Washington, D.C., is made up of a few craft unions and various national industrial unions. The AFL, also in Washington, D.C., is made up of industrial unions, craft unions, and unions which are mixtures of both.

Finances Now, how does all this relate to finance? Each type of organization employs clerks, officers, experts, and other employees. Each organization issues newspapers, magazines, and so forth. How are they financed?

Finance derives from the payment of initiation fees, dues, assessments, and other fees by the local union member in his own local union. The greatest source of regular income is therefore the dues collected each week or month by the local union.

In the constitution of the unions, provision is made for the payment of per capita tax to the higher organization. The local union will pay this head tax each month to the city council, the state council or federation, and to the national union. The city and state council fees are usually very small, for they are merely coordinating bodies. The local union will usually keep about 50% of the dues and other payments, sending the largest per capita tax payment to the national union each month. However, this proportion varies at the desire of the members.

As the national union receives this income, it is, in turn, responsible to pay a national union tax to the CIO, AFL, or RR Brotherhood top organization. This tax to the national federation is also small, as the bulk of the per capita tax is needed by the national union for its own finances.

Finally, both the national unions and the national federations maintain offices and regional directors in all areas where the union is strong. These offices of the national union and of the federation are frequently identical with the State council or State Federation. However, in areas where the organizational work is still under way, the top national organizations will establish and pay for the regional offices until such time as the local unions are strong enough to pay their own way.

Autonomy Because of this payment of money all the way up the line, the final control of union finances remains in the hands of the local union. For instance, there are times when a local union has a dispute with the city or state council. They will cease paying per capita tax until the dispute is settled. To prevent abuse of this privilege, the city and state councils usually require that if the per capita tax is not paid within a few months, the local union must pay a fine or be suspended.



At times, a CIO affiliate may desire to change over to AFL. The national union then merely stops sending per capita tax to the national union, they are expelled from one, and then they join the other union. The IIG and UMWA, both with the CIO for a while, withdrew and affiliated with the AFL later on.

On the local level, the member is required to pay his dues within 30 days, or else be suspended from the union. If he is suspended, he is required by the constitution to pay a reinstatement fee of a few dollars. This aids in having all members in good standing at all times. When a union man first joins a union, he is required to pay an initiation fee which pays for the initial work of enrolling him and giving him copies of the constitution and contract. But the initiation fee also recognizes that the union has won considerable benefits for the workers in a given industry, and the new member is required to pay, if only in a small way, for those benefits.

If a union is in need of special finances, or if it is financing a campaign of one sort or another, the local membership meeting will authorize an assessment of a dollar or so, and, if passed by the majority, the membership must all pay it. Likewise, the national unions are usually authorized to levy assessments for stated purposes, provided that it is either put to a referendum vote of the entire membership or else passed by a 2/3 vote at a convention. The referendum on national assessments is usually used. If all the members vote for it, they will more likely pay the assessment when it becomes due.

Thus, you see, the question of dues, initiation fees, assessments, and per capita are determined by the rank-and-file and written into the constitutions of their unions.

Mandatory Breakdowns As the national unions have been formed, the rank-and-file, at their national conventions, have felt that the top leadership must be given certain financial limitations under which they can operate. For instance, the local unions forming the UAW have written many provisions in the national union constitution requiring that of the per capita tax paid into the union, certain percentages of union funds must be earmarked and used only for specifically stated purposes.

For instance, the monthly dues in the UAW is \$1.50 per member per month. Of this dues, 65 cents is per capita tax to the national union, the remaining 85 cents being retained by the local union each month.

Of the 65 cents which is sent to the national headquarters, the local unions direct in the national union constitution that 5 cents be used for the national union newspaper, 2 cents for education, and one-half a cent for recreation. Thus, the national union is forced to spend stated amounts of money on publications, education, and recreation.

Other national union constitutions contain provisions for stated sums to be put in strike funds, unemployment funds, old age security funds, and so forth.

The disposition of the remaining portion is left up to the officers of the national union, but as stated before, they are required to submit a detailed annual financial report to the annual convention as well as to the entire membership of the national union.

On the local union level, the constitution will usually provide for the setting aside of 5 cents per member per month in the strike fund, and 2½ cents per member per month for education and recreation.



These mandatory breakdowns are guarantees that the funds will be used properly. It is important to note that the American unions think education, recreation, and union publications so important that they safeguard funds for same in their constitutions.

Financial Officials The two most important groups of financial officials in the American labor movement are the Treasurers or Secretary-Treasurers of the national unions. And side-by-side, the other important group is the Financial Secretaries or Treasurers of the local unions. The bulk of union funds is handled by these two groups of national and local financial officials.

Let us first consider the duties of the Treasurer of a large national American union, the UAW. In this union, the top financial officer is the Secretary-Treasurer.

The 1944 Constitution of the UAW states with regard to this important officer:

"He shall receive and receipt for all moneys due the Union, pay all bills and current expenses, unless otherwise ordered by the President... He shall submit to the Locals semi-annually a statement showing the salary and expenses of each officer and employee and detailing the receipt and disbursement of all money belonging to the International Union. The receipts from each District shall be compiled separately and totaled... He shall give a bond of \$25,000 (which must be approved by the Executive Board and deposited with the President) to insure a faithful discharge of his duties... He must deposit all funds in excess of sums designated by the Executive Board in banks, if any, giving interest-bearing certificates of deposit, subject to the order of the Executive Board... He shall send out to all Local Unions a monthly 'delinquent list' showing all local unions in bad standing with the National Union..."

On the local union level, let us look at the By-Laws of UAWA-CIO Local 174, Detroit, and see what the by-laws say about the financial secretary:

"He shall keep an accurate record of each plant fund, showing an itemized list of receipts, expenditures, and balance... He shall issue... funds only on the receipt of a properly signed form... He shall expend no more than \$25.00 without the authorization of the Local Finance Committee subject to the approval of the Executive Board and Joint Council... It shall be his duty to set aside two and one-half cents of each dues dollar to finance the Educational and Recreational activities of the Local..."

In the constitution of the United Mine Workers, AFL, it is provided that the President of the Union will appoint one or more Auditors, who

"Shall audit the books and accounts of the Secretary-Treasurer semi-annually and make a report of the receipts and disbursements of his office, and the Secretary-Treasurer shall have their report printed and a copy sent to each Local Union... Traveling auditors shall examine the accounts of all Local Unions at least once every year and assist in developing a uniform system of accounts... Should such audits develop any irregularities, those responsible for the same shall be penalized as...provided..."



Thus, through constitutional provisions on all levels, both the national and the local unions have provided the checks-and-balances aiding in the prevention of fraud, embezzlement, or loss of union funds.

#### BUDGETS OF SOME AMERICAN UNIONS

Many Japanese trade unionists have asked, "How much money do the American unions collect, and what do they do with their money?" In order to indicate the extent of the finances of American unions, we can give only a sample of a few of the larger unions. It should be remembered that this is the financial picture of specific American unions. Every American union is somewhat different from other American unions. Japanese union finances may be entirely different. This information is merely presented for guidance and information.

The following figures are an estimate of financial figures relating to several national industrial unions in America. Instead of using the name of the union, the series merely indicates the type of industry to which the figures apply.

#### Annual Salary of Highest Paid Union Official:

Automobile Workers . . . . .	\$ 9,000
Amalgamated Clothing Workers . . . . .	15,000
Electrical and Radio Workers . . . . .	5,200
Shipbuilders Union . . . . .	8,000
Rubber Workers . . . . .	4,500
Steelworkers . . . . .	20,000
Textile Workers . . . . .	10,000

#### Initiation Fees:

Auto Workers . . . . .	\$2 to \$15
Clothing Workers . . . . .	\$10 maximum
Electrical and Radio . . . . .	\$2 minimum, rarely more
Shipbuilding . . . . .	\$2 to \$10 - 80% are \$2
Rubber . . . . .	\$2
Steel . . . . .	\$3
Textile . . . . .	\$1 to \$10

#### Monthly Dues:

Auto . . . . .	\$1.50
Clothing Workers . . . . .	\$1.40 to \$2.00
Electrical and Radio . . . . .	\$1.00 minimum; usually \$1.00
Shipbuilding . . . . .	\$1.25
Rubber . . . . .	\$1.00
Steel . . . . .	\$1.00 to \$1.50
Textile . . . . .	\$1.50 minimum; most pay \$1.50

#### Per Capita Tax to the National Union:

Auto . . . . .	\$ .65
Clothing Workers . . . . .	.70
Electrical Workers . . . . .	.35
Shipbuilding . . . . .	.55
Rubber . . . . .	.45
Steel . . . . .	.75
Textile . . . . .	.75



As you can see, the monthly dues varies considerably, but it will average about \$1.50 per month, with about half of this going to the national union, the remainder going to the local union treasury.

As for the national American federations (AFL and CIO) the usual fee is a flat 1 $\frac{1}{2}$  to 5 cents per member per month, paid by the national union into the treasury of the national federation. The national federation receives a small sum because the biggest service job is done by the national union. The federation is merely a coordinating organization and does not need as much money as the national union.

National Union Finances

The finances of the national unions vary from union to union, but we have chosen for purposes of illustration a large semi-craft, semi-industrial union, the International Ladies' Garment Workers' Union, American Federation of Labor. This union is a settled union a few decades old, and its financial structure is fairly representative of a typical American union. However, each union has many differences, and it would be unwise to draw the conclusion that this set of figures tells the story on all American unions.

During the year of 1945, the ILGWU-AFL had totaled receipts of almost twenty-four millions of dollars, as is shown by the following breakdown:

Receipts - General Funds: (320,772 Members)

Dues . . . . .	\$ 6,258,446.55
Assessments . . . . .	242,460.35
Local Assessments . . . . .	328,425.71
Joint Board Assessments . . . . .	305,379.77
Initiation and Reinstatement Fees . . . . .	965,716.11
Interests on Savings and Investments . . . . .	424,945.74
Miscellaneous Receipts and Charity Collections . . . . .	1,543,928.74

Benefit Funds:

Death Benefit Assessment . . . . .	298,050.55
Local Sick and Tuberculosis Benefit Assessments . . . . .	306,333.78
Health and Vacation Funds . . . . .	13,103,545.37

Summary of Receipts:

General Funds . . . . .	10,069,302.41
Death Benefit Assessment . . . . .	298,050.55
Local Sick and TB Assessment . . . . .	306,333.78
Health and Vacation Fund . . . . .	<u>13,103,545.37</u>
Total all Receipts . . . . .	\$23,777,232.11

The next question is, "What happened to this money?" The 1945 balance sheet for the ILGWU-AFL indicates the following expenditures:



To the International Union:

15 cents per week per capita tax . . . . .	\$ 2,117,319.20
Assessments . . . . .	173,773.37
Initiation Fees (\$1.50 per person) . . . . .	84,880.80
	<u>\$2,375,973.37</u>

To Joint Boards and Departments:

Budget . . . . .	\$ 697,636.03
Assessments . . . . .	175,302.37
	<u>\$ 872,938.40</u>

General Administrative Expenses:

Salaries . . . . .	\$1,135,257.88
Rent . . . . .	313,924.29
Printing . . . . .	157,584.27
Telephone and Telegraph . . . . .	117,982.22
Janitors and Cleaning of Headquarters Bldg . . . . .	122,765.45
Dues to Other Organizations . . . . .	132,826.94
Federal Old Age Annuities . . . . .	134,708.97
Miscellaneous Expenses . . . . .	326,579.88
	<u>\$2,616,932.27</u>

Organizational Expenses:

Salaries . . . . .	\$1,658,980.12
Organizing Expenses . . . . .	948,343.76
Legal Fees . . . . .	130,944.85
Dues Collection Expenses . . . . .	132,329.28
Committee Expense . . . . .	188,034.66
Education and Recreation . . . . .	199,818.91
Hall Rent and Radio Expenses . . . . .	74,619.50
	<u>\$3,333,071.08</u>

Donations and Charity:

Gifts to Soldiers and Sailors . . . . .	\$ 93,943.86
War Relief Funds . . . . .	863,012.72
	<u>\$ 956,956.58</u>

Salaries of Union Officials

Many Japanese trade unionists have asked: "How many persons are employed by the union, what do they do, and how much are they paid?" Well, a study of the balance sheet for 1945 of the ILGWU-AFL reveals the following statistics on the types and numbers of national union employees, their weekly salaries, and their average wages in the various types of employees. Most of the salaries are fixed in the constitution of the national union so that everyone in the union knows exactly what wages the union's employees are making.



	<u>Number of Persons</u>	<u>Weekly Salary</u>	<u>Average</u>
<u>Officers:</u>			
President . . . . .	1	\$ 250.00	\$250.00
Exec. Secy. . . . .	1	200.00	200.00
Dist. Mgrs. . . . .	14	1,100.00	79.00
Local Mgrs. . . . .	10	700.00	70.00
Organizers . . . . .	151	7,387.00	49.00
<u>Staff:</u>			
Deot. Mgrs. . . . .	9	950.00	105.50
Bookkeepers . . . . .	2	145.00	72.50
Accountants . . . . .	21	1,319.50	63.00
Engineers . . . . .	4	310.00	77.50
Stenographers . . . . .	17	786.50	46.00
Clerks . . . . .	31	1,110.00	36.00
Bldg. Employees . . . . .	0	347.00	38.50
Editors . . . . .	7	442.50	63.00
Publicity . . . . .	2	170.00	85.00
Educational Directors . . . . .	9	502.50	50.00

#### Fund Collection

As you have noticed from the balance sheet, the chief source of union finances is found in the monthly or weekly dues, the initiation fees, and the general and special assessments.

Dues can be collected in many ways, but it is the practice of the American unions to have the shop steward collect the dues in his department once a month. He has a small receipt book, signs the union member's card or places a small stamp in the right place, gives a receipt for the money received, and turns in the copies of the receipts and the money to the local union financial secretary. The dues slips are numbered in order to prevent fraud or embezzlement. Likewise, with assessments, initiation fees and other payments, the shop steward gives a numbered receipt when he picks up the money, and turns this in with the money to the local union financial secretary.

In other local unions, the union may require that the member come to the local union office once a month and pay his dues directly to the local union financial secretary.

In recent years, the unions have developed the use of the "check-off." This means that the members sign a little card which authorized the company to deduct their dues from their pay once a month, and then the union receives a check or bank draft once a month for the total amount of dues so collected. This relieves the shop steward of the job of dues collection. It has many advantages, but also has obvious drawbacks. Many unions have continued to have the shop steward collect the dues, for it means that every shop steward MUST contact every worker in his department at least once a month.



There are many other financial practices which American trade unions use, but if you will study the glossary of terms at the end of this study, you will find these explained briefly.

#### Control of Disbursements

The sending of per capita taxes from the local to the national union is a routine matter and is merely reported at regular intervals. However, during the course of a year, the union will want to spend money, bills will accumulate, and there must be control of the expenditure of union funds.

American local unions have a group called Trustees - usually two or three members elected by the membership. Before any committee can spend money in excess of a certain sum, they must present the request for funds to the Trustees, and they either approve or disapprove. Likewise, before any bills are paid, they are referred to the Trustees. In many local unions, all bills must be read at a local union meeting and be approved by the membership before the financial secretary and/or the Trustees are permitted to pay the bills. This is a good idea, for it both gives the membership control over its own funds, and at the same time prevents anyone from saying that the officers or financial secretary of the local are wasting union funds.

The national unions usually have a financial committee made up of a few executive board members, who review all bills submitted for payment. The national secretary-treasurer will be responsible for the payment of bills, subject to the direction of the union president, but the trustees will go over expenditures from time to time to ensure that money is not being wasted. At regular executive board meetings, the trustees will report their findings to the membership in order that all the local unions know that the expenditure of funds is being watched and controlled.

#### Regular Financial Reports

Most local unions in America and Great Britain require that the local union financial secretary make a detailed financial statement at least once every six months. The union will usually have a board of trustees, composed of several union members, and the financial secretary submits his financial statement to the board. They then check it and present it to the membership meeting. The financial statement is usually printed in the union publication so that every member can determine exactly where every cent has gone.

On the national level, the American national unions print elaborate financial statements, which are audited and certified by public accountants. These financial statements give every detail about the financial structure of the union, as you have seen from the figures quoted from the ILGWU-AFL 1945 financial statement. The financial statements are distributed to every local union, are read at the national convention, and are given to the press. By making the financial statement public, the union proves that it is not afraid of any examination of its finances. The public can read how the union spends its money, and enemies of the union are unable to charge that anyone is getting rich at the expense of the trade union.

Public financial reports, certified by public accountants, is another method used by democratic trade unions to preserve their democracy.



Conclusion

Finally, we want to remind the Japanese trade unionists that they will get exactly what they pay for. If they desire to give their union only ¥1 per month, they will have a ¥1 union. In the same way, if they deny adequate finances to their union, and the union is unable to carry on successful campaigns for the workers, the workers should not blame the leadership.

Too often, it has been the American experience that the very workers who refuse to pay dues are the same people who demand the most service from the local and national union.

If you want hard-working officers and a militant union, you will have to pay the bill for this!

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N O T E

Copies of recent financial statements of some American trade unions can be found in file in the C. I. and E. Library in Tokyo. This library, open to Japanese only, is directly opposite the Hibiya Theatre, and across the street from the San Shin Buil. You can check some American trade union financial statements if you ask for the following Annual Financial Reports of:

THE INTERNATIONAL LADIES' GARMENT WORKER'S UNION OF AMERICA, affiliated with THE AMERICAN FEDERATION OF LABOUR.

THE UNITED STEELWORKERS OF AMERICA, affiliated with the CONGRESS OF INDUSTRIAL ORGANIZATIONS.

THE UNITED AUTOMOBILE AIRCRAFT AND AGRICULTURAL WORKERS OF AMERICA, affiliated with the CONGRESS OF INDUSTRIAL ORGANIZATIONS.

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APPENDIX I

A typical trade union "union card" is shown here. The first side is the front, the second the back.

No. \_\_\_\_\_

NATIONAL ..... TRADE UNION

This card certifies that \_\_\_\_\_  
 is a member of Local \_\_\_\_\_ of the National  
 ..... Trade Union, and has promised to abide by  
 the rules and regulations of the local and national  
 union.

Sato san, President

Watanabe san, Financial Secretary

o	JAN	FEB	MAR	APR	MAY	JUN	o
o	x	x	x	x	x	x	o
o							o
o	JUL	AUG	SEPT	OCT	NOV	DEC	o
o	x	x	x	x	x	x	o

In the small squares provided for each month, the shop steward will either initial his name, stick a stamp there, or stamp it with his seal - indicating that dues have been paid. When a member enters a union meeting, the Sergeant-at-Arms can look at the card and tell whether or not the member has paid his dues up to date.

At each side are extra squares. These are provided in case a general assessment or a special assessment has been levied by the trade union. The card is proof of union membership, and indicates the financial record of the member. Most unions require that dues be paid to within two months. If a member comes to a meeting and has not paid his dues within the required time limit, he is not permitted to enter the meeting.



GLOSSARY

The following definitions explain what certain words and phrases mean in the American trade union movement. They apply only to American practices, not necessarily to Japanese trade union practices.

- ASSESSMENT** - When a union desires to raise a sum of money for a specific purpose, an "assessment" is proposed at the general convention. General practice is to have a referendum vote in all local unions. The assessment, if approved, is then collected by the local union and forwarded to national headquarters. Local unions are usually authorized to levy special assessments to build up their own finances, provided 50% or 75% of the membership vote for it.
- BAD STANDING** - A member of a local union is said to be "in bad standing" if he has not paid his dues for one or two months.
- BOND** - When a financial secretary or treasurer of a union assumes office, he is required to secure a bond from a recognized bonding company. The company examines the record of the man, and for a certain sum will guarantee that the man will not steal or embezzle union funds. If he does this, the bonding company must pay the union the full amount of money stolen or embezzled.
- CHECK-OFF** - A system of dues collection whereby every worker who so desires authorizes the company, in writing, to deduct monthly dues from his wages. The company then turns the total amount of dues so collected over to the financial secretary in the form of a bank draft or check.
- DUES** - Dues is the amount of money paid each month or week to the local union from which all union expenses are met.
- IN GOOD STANDING** - A member of a trade union is said to be "in good standing" if he has paid his dues up to date and abides by the rules and regulations of the union. Voting for officers and attending conventions of the union are usually open only to members in good standing.
- INITIATION FEE** - When a worker joins a union, it is recognized that the union has won certain gains in the industry and has spent considerable money to build the union. Each new member pays a token fee in recognition of this service rendered by the union. In return, he usually receives a copy of the union constitution, local union by-laws, and a few basic union pamphlets explaining the operation and functioning of his trade union.
- OUT OF WORK RECEIPT** - Some unions require that members continue to pay dues to their local union even if they are temporarily unemployed. Others merely require that the member report his unemployment to the local union once a month, at which time he receives an "out of work receipt." By requiring the out of work receipt, the member is required to remain in good standing with his union.



**PER CAPITA TAX** - Every member pays a certain amount of dues to his local union. Every local union then pays a percentage of this dues to the national union. This head tax on local union membership is termed the per capita tax. The national union in turn will pay per capita tax on its membership to the national congress or federation of trade unions, if it belongs to such a top organization.

**REINSTATEMENT FEE** - When a member in good standing has not paid his dues within the time limit prescribed in the national union constitution, he is "in bad standing." To reenter the union, he is penalized by being required to pay a fee or fine to the union for his delinquency, in addition to paying up the dues which he owes. Part of this is usually kept by the local union, the remainder is sent to the national union.

**TRANSFER CARD** - When a worker is going to change his job from one plant to another, in the same industry, he will pay up his dues and assessments, and his local union will then give him a card certifying that he is a member in good standing on such-and-such a date. The worker then goes to work in the other plant, and through his transfer card is accepted as a union member in the new plant without having to pay the initiation fee over again.

**UNEMPLOYED DUES** - When workers are temporarily unemployed, many unions require that they continue paying dues, for the expenses of the union continue. The dues for unemployed union members may be the same as during employment, fifty per cent of the regular dues, or some other fraction thereof.

**UNORGANIZED SHOP** - Shops or mills whose members have not yet joined a union and who have not secured an exclusive bargaining right in the shop, are said to be unorganized shops.

**WITHDRAWAL CARD** - When a worker is leaving his industry and does not know where he will go, he asks his union for a withdrawal card. After he has paid up his dues and any assessments, he is given a card which certifies that he was a member in good standing in his union until such-and-such a date. He will carry this card in order to prove that he is a union man.

**WORK PERMIT** - When a man or boy is temporarily employed in a union shop or on a union job, and he will not be there long enough to join the union, common practice is for the union to issue him a work permit, for which he pays a small charge. Payment for the work permit is in lieu of union dues and the trade union initiation fee. It does not, however, confer union membership on the holder. Work permits are frequently used to permit young men and women to work in union shops during the summer months, or holidays.

**WORK PERMIT FEE** - The amount of money charged a man, woman, boy, or girl by a trade union for the privilege of working under union conditions.



DEMOCRATIC TRADE UNIONISM

Democratic practices of trade unions. The use of written constitutions to guarantee democratic procedures and secure fullest participation of members in operating their unions. Presented for trade union discussion only.

Presented to the Conference of Education Directors of Japanese National Trade Unions held on 25 September 1946 at Radio Tokyo.

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LABOR DIVISION  
TOKYO



DEMOCRATIC TRADE UNION

What is a democratic trade union?

Every person has need of food, clothing, and shelter for himself, his wife and his dependents. Unless he obtains enough to maintain himself and his family in frugal comfort, he is unable to continue working and cannot provide for the growth and comfort of his children.

Now, every man and every woman is not complete in himself. We are all born into a world where we depend upon each other for various necessities. If we want coal, we do not travel to Hokkaido for a day, dig up some coal and bring it back to Tokyo. We do not go to Kyoto and weave some cotton for a few days. Because of the many needs we have, some of us make this, some make that, some cultivate fruits and vegetables, and by mutual exchange and commerce, we are all busy making things for each other. Others supply the services and utilities we need - electric trams, steam railroads, the fishing boats, schools, and the electric power systems.

In a word, men and women are born into a world of people which we term "society." The members of this society are called "social persons," that is to say, members of society.

The world we live in is divided into general divisions, such as economic society, political and social society. Economic society provides the food, clothing, and shelter which man needs - the physical things. Social society provides recreation, religion, culture, education, and intellectual and mental things. And so on.

When a man or woman obtains a job in a plant, he has need of many things both social and economic. He may discover that the employer does not provide him with the social and economic necessities, or he may discover that the employer is either unable or unwilling to provide him with the social and economic necessities of every day life.

The worker observes that he is not only a member of a family and a local political group, but through his employment he is a member of a social and economic group. By himself, as an individual, he cannot appreciably better his position through individual bargaining with the employer. But he discovers that if he unites himself with the group, if he becomes a member of an association of other men and women in the same plant or industry - he finds that they can secure through united action what they cannot possibly do through individual action.

That is the basis of democratic collective bargaining.

The social and economic necessities of man can be taken care of by a dictatorship or a fascist economy. They will take care of everything, to a certain degree. As a price for such social and economic service, a fascist dictatorship will rob the men and women of their liberty. They become slaves of the state.

Democracy comes from the ancient Greek words, Demos and Kratos. Demos means people. Kratos means rule. Democracy, then, simply means the rule of the people.



Under democracy, every person has the human and the legal right to form an association with his fellow workers in order to promote their social and economic aspirations. Such an association is a union of persons. We call it a Rodo Kumiai.

Because the group will find that a large number of persons cannot discuss everything with everyone, representatives are elected to represent the people in the rodo kumiai. The representatives are leaders, in that they propose action to the membership. They are also servants of the membership. Whenever the association has had a democratic meeting, and decided upon a certain course of action by majority vote, then the representatives of the group MUST carry out the expressed will of the membership. Likewise, once the decision has been made by a majority vote, the people who opposed the measure are then bound to support the decision, whether or not they agreed with it. This is what we call "solidarity" - that sticking-together of people that makes them into a solid group: united, indissoluble, and vigorous.

The bases of democratic trade unionism rest upon the appreciation by every member of the group, or the Rodo Kumiai, that he or she is a member of a group which is working for the social and economic betterment of every member of the group. Leaders are selected to represent all the members. Decisions are made by all the members, and once majority vote has prevailed, united action of the group is obtained under the leadership through the solidarity and support of the rank-and-file.

The Rodo Kumiai is an economic and social instrument of, by, and for the people who freely join it. In every industrial country, wage-earners have set up free rodo kumiai as both a defensive measure, and as an instrument to advance the common good.

It should be noted that the employers follow the same course of reasoning. The Chamber of Commerce and the associations of employers are nothing but the rodo kumiai of the employer. They are employers' unions.

#### Employers

Trade unions bar from membership persons who are employers, or who represent the interests of the employer. Generally speaking, democratic trade unions the world over bar from membership in trade unions those persons who are heads of companies, stockholders of the company, managers, supervisors, or any other person, or persons, who has the right to hire and fire. That is the basic distinction of free and independent trade union membership.

A rodo kumiai seeks to better wages and increase purchasing power, to better hours, and to improve working conditions. It does this by the united action of the workers bargaining collectively through their own representatives with the employer. If the rodo kumiai is controlled or heavily influenced by the employer, it is not possible for the employer to bargain with himself. Such a union is called a goyo kumiai and is merely an association of workers under the leadership of the employer. It is NOT a rodo kumiai.

The worker has no desire to join the employers' Chamber of Commerce. Likewise, the employer and his representatives have no desire to join the rodo kumiai of the workers.



They are two separate organizations and have separate purposes.

A healthy rodo kumiai exists only when it is completely divorced from management with regard to its internal affairs and its decisions. That is also democratic, for then each side of the production picture - labor and management - is well represented and can speak for itself. Each group honestly represents its side in the collective bargaining conference.

#### Government

During the recent war, the government of that time found it convenient to liquidate the legitimate trade union movement in Japan, and in its place set up the Sangyo Hokoku Kai - or Sampo. Sampo was a so-called patriotic industrial organization formed to increase war production at any cost in the interest of the vicious militarists and selfish zaibatsu. Sampo had no interest in higher wages, shorter working hours, or better working conditions. On the contrary, Sampo operated against the better interests of the Japanese workers who were its involuntary members.

A democratic government is the creature of the people. The people control the government through their representatives, and their representatives tell the government to implement laws regulating the rodo kumiai. But once the law has been implemented, the operation of the rodo kumiai is the business of its members, not of the government. Just as the Chamber of Commerce would object if the government tried to run it, so a rodo kumiai rightfully protests when the government tries to run the labor movement. If a rodo kumiai violates the law, that is one thing. But other than that, the government must refrain from any meddling in the internal affairs of the rodo kumiai.

Under a democratic form of government, the basic principle is that no higher group should do for the people what the people can do for themselves. If a rodo kumiai can take care of the social and economic needs of a group of workers, there is no cause for intervention by the government. If the rodo kumiai finds it is impossible to better conditions, then, and only then, does the government step in to right the wrong.

#### Political Parties

A political party, by definition, is an association of persons and groups, based on the acceptance of certain political principles and policies, who wish to secure the acceptance of their proposals by the government - or else the political party itself wishes to become the government by securing a majority vote in the Diet.

A political party deals with government laws, with government measures and decrees, and because of this is called a "political association." A political party is the group operating in political society similar to the group of workers called a rodo kumiai operating in the social and economic society.

Politics is the science of governing people and administering the community. A labor union is a social and economic association of men and women who desire to improve their economic and social conditions in a given industry or plant. Membership in a labor union is not based upon the acceptance of any certain political or religious beliefs.



Political parties have their field of operation and their associations. Rodo kumiai likewise have their field of operation and their associations. It is clear then that political parties are distinct from rodo kumiai.

Rodo kumiai have in their membership large numbers of persons who possess the right to vote. The rodo kumiai have sources of income, and they control workers' education systems and a labor press. If a political party can secure control of the votes, the money, the educational system, and the labor press, the political party can use this for its own purposes.

However, the rodo kumiai must keep itself distinct from the political party. It is undemocratic to force rodo kumiai members to follow the line of any political party. That is dictatorship.

Consequently, the rodo kumiai must keep first things first. The objectives of the rodo kumiai must be sought at all times. And those basic rodo kumiai objectives are to secure stable agreements with the employers fixing fair wages, decent hours, and good working conditions.

Does this mean that a rodo kumiai has nothing to do with politics? It certainly does not mean that! After all, the members of rodo kumiai live in social communities, they are citizens, they possess the right to vote, and they are all vitally interested in many of the measures and bills before the Diet.

Just as the local Chamber of Commerce or employers' association has the right to speak on political matters which concern it, so do the members of rodo kumiai have the right, through their own organization, to voice their opinions and make their decisions. A rodo kumiai will certainly encourage its members to vote, and will take part in criticism of bills and acts of the Diet which are not in the interests of the workers. The rodo kumiai will do this in order to reward its political friends, and to punish its political enemies, and in order to secure certain political reforms.

But the important thing to remember is that the rodo kumiai sets up its own political action committee, and it adopts its own political action program, after democratic discussion of the general membership, by a majority vote.

In other words, the rodo kumiai picks and chooses as it finds friends in politics. It adopts or endorses programs and policies as its own membership so decides. It is at all times in control of its own political action program. It does not become so absorbed or so controlled by a political party that the union is serving the purposes of the political party, meanwhile forgetting that there are factories to be organized, good contracts to be written, sound and stable collective bargaining procedures to be developed, and workers' education to be instituted and expanded. Excessive diversion of trade unionism into politics has usually resulted in grave injury to the trade union movement.

The rodo kumiai does not blindly follow any partisan political party program, or bind itself to any single political party's program.

The members of a rodo kumiai are free to present the program and policies of their political party to the membership of their local union for consideration. A democratic trade union will consider political issues as they arise, and decisions for action will be based on majority vote of the members. No democratic trade union will hand over a blank paper to any political party, for the politicians to write upon it as they see fit.



Political parties have one end. Rodo kumiai have another end. For each to be effective in serving their membership, each must move toward their end and employ means proper to that end.

#### Funds

Democratic rodo kumiai have discovered, often through expensive experience, that any rodo kumiai which accepts donations or grants of money from a company (or any other source) will soon discover that the friends want to run the rodo kumiai. "He who pays the taxi fare will tell the driver where to go." A free rodo kumiai is a rodo kumiai which charges enough dues each month to pay ALL of its expenses. Such a rodo kumiai owes nothing to any person or outside group. A union which accepts money or other monetary considerations from the company, the government, or a political party, is nothing, it would appear, but the purchased instrument of the outside group or agency. Company unionism, government-controlled rodo kumiai, or political rodo kumiai are the result. Where such conditions exist, there can be no free, independent, democratic rodo kumiai.

#### Complete Independence

Japan has just emerged from a long and costly war. Japan lost the war. When Japanese workers survey their rusting piles of machinery and the war machines of yesteryear, Japanese workers can see piled before them the cost in wealth, lives, and suffering of that insane war.

This happened mainly because the Japanese workers lost their independence under the harsh and brutal rule of the militarists and the zaibatsu. Now that the war has been lost, and militarism and zaibatsu have been thrown aside by the Allied Powers under General MacArthur, a rodo kumiai movement must jealously guard its new-granted freedom and independence. A sound, democratic rodo kumiai will denounce any form of unionism controlled by a political party - either right or left. It will resist unwarranted government control of trade unions by resorting to proper political action; and it will fight company unionism with every legal weapon at its disposal. For government control, political domination, and company influence all spell the end of independent trade unionism. Japan once had a Romu and a Samoo. Once was enough!

#### Autonomy

The word "autonomy" is a new word with both rodo kumiai rank-and-file and leaders, just as it is with the Japanese people as a whole. Democracy first developed over two thousand years ago in Greece, and for that reason the words which describe it go back to the Greeks. Autonomous is another Greek word. Autos means self. Nomos means law. Autonomous then means "law of self." A local union rules itself and is therefore called an autonomous local union. The final source of power and authority in the trade union movement is the autonomous local union. For this reason, trade unions the world over are careful to guarantee in their constitutions the autonomy of the local union.

Power to represent the local unions is given to a national union congress or federation, but the power is delegated by the local unions. That is, the local unions hold a general convention and, by writing a national union constitution, they give some of their powers to the national organization. The



ultimate power remains in the hands of the rank-and-file, and is exercised yearly by the local union delegates to the general conventions of the national union. National union officers of a democratic trade union organization will never try to dictate policy which ignores the wishes and the interests of the rank-and-file out in the local unions.

A local union is autonomous. It will resist control or domination, even at the hands of a national congress or federation of national unions.

The executive officers of a national union or federation are given specific administrative rights and duties in the organization's constitution. They are responsible to the rank-and-file, and are bound to follow out the principles and resolutions and mandates as decided by the majority of the entire rodo kumiai membership.

For instance, when a national union is faced with special grave problems of great magnitude, on which there is no general policy, it will convene a special convention of all local union delegates in order to determine the will of the rank-and-file. The leadership will naturally propose solutions to the new and grave problems. But the final vote, the authority to take action, rests with the local unions, and their democratically-elected delegates. The majority speaks. The executives implement the decision with action on a national level. If a small group of leaders were to make basic policy decisions, ignoring the wishes and votes of the rank-and-file, that would be dictatorship pure and simple.

American and British trade unions have been careful to preserve and implement local union autonomy. In the constitutions of the national trade union congresses and federations, and the national unions of Great Britain and the United States, you will find an article guaranteeing the autonomy of the local union. This means that the rank-and-file are the final authority in their own local union. Likewise, the little people out in the machi and the mura of Japan--the people who pay the dues and make up the bulk of the union--they are the final authority.

Hence a democratic rodo kumiai listens to those people. A democratic rodo kumiai exists to serve those people and their autonomous local unions.

You see, there are two general ways of operating a rodo kumiai. One is to hold a meeting once or twice a year, and permit a small group of persons to represent the rodo kumiai during the intervening period. The other way is to have monthly membership meetings, consult the rank-and-file on problems as they arise, determine their decision and their solution of the problem by the majority vote of the rank-and-file.

The easy and lazy method is to vote in a set of officers and let them do all the work - and all the thinking. Things may be done quickly that way. The only thing wrong with it is that it is totally undemocratic. It does not provide for the growth of new leadership. It puts too much trust and too much power into the hands of a few persons.

Every member of the rodo kumiai has both the right and the duty to know what the rodo kumiai is doing. Every member of the rodo kumiai has the right to become an officer of the union if elected by his fellow trade unionists. For this reason, it is the tradition of American and British and other democratic



trade unions to require that every local union have a general membership meeting every month. In some cases, the rodo kumiai constitutions of those countries even insist that persons who do not attend union meetings will be required to pay a fine of a few yen. This is, of course, not necessary if a sound educational program has caused all of the rodo kumiai members to be alive to their rights and duties as members of a rodo kumiai.

The sound, democratic trade union has monthly meetings of the entire membership. Through this, the members come together frequently and are able to know one another. That is extremely important. Matters which interests all of them are brought up by the officers and the members; votes are taken after democratic discussion; hence, the action taken represents the freely-determined will of the rank-and-file.

Further, as rodo kumiai meetings progress, young men and young women learn to speak to their fellow members. They study and present intelligent arguments. By attending local union education classes, they know more about rodo kumiai. As the months go by, the officers will prove by their actions whether or not they are fit to hold office. Rank-and-file members will prove themselves to be good, mediocre, or poor members. As some of the rank-and-file members grow with the rodo kumiai, they develop that rare quality in men and women - the quality of leadership. By the end of the year, after twelve meetings, every member in the local union should know the names, character, and ability of the other members.

Instead of voting for some person unknown to most of the members, the rank-and-file will nominate and elect officers who are believed to be intelligent, resourceful, good leaders.

Good leadership will insist on regular monthly meetings for these reasons. Through frequent meetings, new leadership is developed, and that is the greatest need of the labor movement. The rank-and-file must insist on frequent membership meetings to ensure full democracy, rank-and-file determination of policy, and the development of new leadership.

Can you imagine a Diet that met only one day a year?

Imagine then, if you can, a democratic trade union that meets only one day a year!

#### Election of Officers

Trade union elections are important. Once elected, the officers of the union are given wide constitutional authority and powers by the membership of the rodo kumiai.

Democratic trade unionism insists, as we have seen, that local unions meet monthly. Therefore, before the annual election of officers, it is the custom of democratic trade unions to hold nomination of officers at a regular membership meeting, with all paid-up members eligible for nomination. Some unions will insist that no person can run for the office of President of the union until he has finished certain prescribed trade union studies, such as so many hours in the trade union school, or completion of basic trade union correspondence courses. After nomination, the names of all nominees who have accepted are posted in all parts of the plant or mine, and the workers are given a month to talk about the



character, qualities, and trade union knowledge of the various persons who are up for election. During this same period, the nominees will usually issue brief statements of what they intend to do if elected by the membership. By the time the next meeting has come, and it is time to hold a secret ballot vote, the membership of the rodo kumiai has had time to study the candidates and arrive at an intelligent and reasoned decision. At the election, every officer of the rodo kumiai is elected by the rank-and-file, with majority votes deciding. The leadership elected in this fashion will truly represent the rank-and-file. That is the very essence of democratic trade unionism, for the members feel that it is their union - and they belong to the union, and the union belongs to them.

### Trials

Every person who is employed in a plant, mill, or mine, no matter what be his political or religious beliefs, has a democratic right to be a member of the local union. Once elected, the officers have the responsibility of serving the membership as best they can. Should, unfortunately, an officer be elected who is irresponsible, or does not serve the best interests of the rank-and-file, the local union will have in its constitution a democratic procedure whereby any member of the local union may prefer charges against any of the officers. This also means that a person who does not like some officer should refrain from secret accusations and name-calling. Democracy means that you use democratic procedures.

If charges are so preferred, the union will set up a constitutional trial board, and the member is tried before a court composed of his fellow workers. If convicted, he is expelled or punished in some way set forth in the trade union constitution. If he is not found guilty, the trade union constitution will then provide that the person who made the charges will himself be subject to trial in order to find why he made the charge. If he lied, slandered, or defamed the character and morality of the local union officer, or member, then he will himself be expelled or otherwise punished by the trial committee.

In the same way, no member of any local union can be expelled from his or her local union for any matter unless he or she has been tried by a regularly constituted trial board set up according to the democratic procedure of the trade union constitution.

In all such cases, in a democratic trade union, provisions will be made for the officer or member to appeal the verdict of the local union trial committee to the district or national union. In some cases, a local union member may be very unpopular with his fellow workers, and they may seek to expel him from the union. In order to protect and preserve democracy, the national union constitution will make a provision for hearing appeals from local union members and officers. In this way, the member of the union, no matter who he is, will have his case finally voted on by a general convention of the union ... and not by just a few persons. Democracy is based on majority rule. It is also jealous to protect the human and legal rights of every member. No matter how small the member, no matter how unimportant, his rights are just as important as the rights of the most important member of the union. Through constitutional provisions for fair trial and appeal, both the local union and the national union will provide for democratic and fair procedure.



### Democratic Trade Union Objectives

The basic objectives of a trade union are to improve working conditions, to improve wages and purchasing power, and to maintain decent working hours. But that is not all.

As a trade union grows older, it will find that it can serve its membership through the establishment of credit unions and consumer cooperatives, by sponsoring housing projects, by conducting political action programs. The education committee will carry on education and recreational programs which will help the workers to understand their union and the labor movement, and thus make the life of the rodo kumiai member fuller. In this wise, he will become a more valuable member of society and will enjoy life to the fullest. The union research activities will unfold new fields for action, and rodo kumiai members will discover that through united action of trade union men and women they can play a vital and dramatic role in the solution of the many problems which now seem insoluble.

Remember always that a rodo kumiai is primarily concerned with wages, hours, and working conditions. However, men and women do not live on rice alone. Questions of health, housing, recreation, and cultural activities are also vitally important. The trade union exists to serve all the members in every way possible. Within the social and economic objectives of the rodo kumiai, there are enough activities to keep all of the members busy for the rest of their lives. A democratic trade union never stops growing. No matter how great its accomplishments, it is always seeking new fields of endeavor, new ways of serving all of the members.

### Union Responsibility

In the beginning of a trade union, it is often the custom for men and women untrained in trade unionism to expect the employer to do everything the union wants ... and they give the employer twenty-four hours to do it. Obviously the employer cannot grant all demands in one day. A union which demands immediate action, and then follows up heavy demands with strikes or sabotages, is said to be an irresponsible union. It has not learned that a union has not only rights, but also duties.

Union responsibility means that the union will meet with the employer and work out methods for settling differences and negotiating better wages, hours, and working conditions. It will adopt some form of the shop steward system, or some system satisfactory to both parties concerned, which will permit the settlement of nearly all grievances without resort to strikes or other acts of dispute. A responsible union will enter into acts of dispute or strike only when and if it is absolutely necessary. The object of the trade union movement is the development of stable and responsible collective bargaining procedures which will solve problems without the use of economic or physical force.

Responsible trade unionism grows as the union sets up methods for collective bargaining, and then puts the items upon which agreement is reached into the form of a written contract with the employer. The written contract not only develops a sound, stable, responsible working arrangement with the employer, but it also aids in the abolition of hasty, irresponsible action, or bitter



misunderstandings. In the United States, over ninety percent of the labor disputes and grievances are settled peaceably without any sort of work stoppage or slow downs.

Responsible unionism also means that the rodo kumiai will assume co-responsibility in improving working conditions and production methods in order that the employer can pay the wages and permit the hours the rodo kumiai members desire. If an employer is not making any profit, it is futile for the rodo kumiai to enter into a labor dispute, demand a 300% wage increase, and, in fact, ask the employer to pay out money which he does not have. A responsible union will direct its officers to sit down around the conference table with the employer, find out why the company is not making money, and then make suggestions on improved production methods in order to increase income. Few employers can resist the demands of a rodo kumiai which assumes co-responsibility with the employer for the development of a healthier economic condition for the company and the workers. That does not mean that the rodo kumiai works for the company. On the contrary, the rodo kumiai advises the company ONLY in order to make better wages, better hours, and better working conditions possible for the rank-and-file. If the daikon is made bigger, the workers stand a chance of winning a bigger slice.

Responsible trade unionism does not operate successfully in a day, or a month, or even in one year. It is the result of collective bargaining procedures and habits extending over many years, and it comes from the study and democratic discussion of the rank-and-file. Union members realize they have responsibilities not only to themselves and to their rodo kumiai and the company, but also to the community and to society. As they respond to these responsibilities, and live up to their duties, the rodo kumiai movement becomes responsible, sound, and stable.

Finally, a word should be said about employers. Employers usually get exactly the type of trade unionism they deserve. If they do not trust the rodo kumiai and will not deal with the rodo kumiai honestly and fairly, they will probably reap a harvest of acts of dispute and strikes. If they deal fairly and honestly with the democratic rodo kumiai, they will develop sound and stable collective bargaining. In the United States, enlightened employers favor the organization of the workers and cooperate with the rodo kumiai in order to outlaw bad trade practices.

Collective bargaining and democratic trade union responsibility pay dividends to the rodo kumiai, the employer, and the community. Everyone profits!

#### Trade Union Constitutions

The trade union constitution is the backbone of the union. By its very nature, it determines the structure and form of the rodo kumiai.

In English, a person is said to have a good or a bad constitution. By that we refer to physical health and physical well-being. In the same way, an organization with a bad constitution is said to be bureaucratic and undemocratic, while one with a good constitution will have a democratic constitution permitting full control by the rank-and-file.



There is no set form for a trade union constitution. The constitution of the rodo kumiai is written by and for the rodo kumiai membership. It is the servant of the members of the rodo kumiai. They can change it as they so determine.

The purpose of the written democratic trade union constitution is to guarantee the democracy and democratic rights of ALL the members of the rodo kumiai. It is on one hand the document which outlines the rights, duties, and responsibilities of the officers of the rodo kumiai; and on the other hand, it outlines the rights, duties, and responsibilities of the membership. Further, it gives to the leaders of the union full authority to speak and act for the membership subject to the democratically expressed will of the rank-and-file.

As the constitution is the backbone of the union, and can play an important part in determining the character of the trade union, it is important that, from the very beginning, Japanese trade unionists understand the nature of democratic trade union constitutions and, by a study of American and other democratic trade constitutions, construct for themselves constitutions which will reflect and implement the democratic aspirations and hopes of the Japanese trade unionists.

Just as the new era in Japan needs a new constitution, so the new unions need democratic trade union constitutions which will make progressive industrial stability possible.

#### REFERENCE

Copies of AFL and CIO trade union constitutions will be found in the C. I. and T. library in Tokyo, for Japanese only, which is directly opposite the Hibya Theater and the San Shin Building. Japanese trade union leaders, and Japanese trade union rank-and-file members are urged to study these democratic trade union constitutions in order to guide themselves in writing their own democratic trade union constitutions which will be a model and a beacon light of trade union democracy in the Orient.

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APPENDIX

To ensure clarity of thought, here are a few definitions of the words used in this document which may be misunderstood by Japanese readers:

**LOCAL UNION** - the basic unit of the trade union. It is an association of workers in any one plant, mill, or other geographical unit of employment.

**DEMOCRATIC REPRESENTATIVE** - a person elected by majority vote of the persons who want him or her to speak for them on any given issue, or to attend a meeting or convention and speak and vote for them.

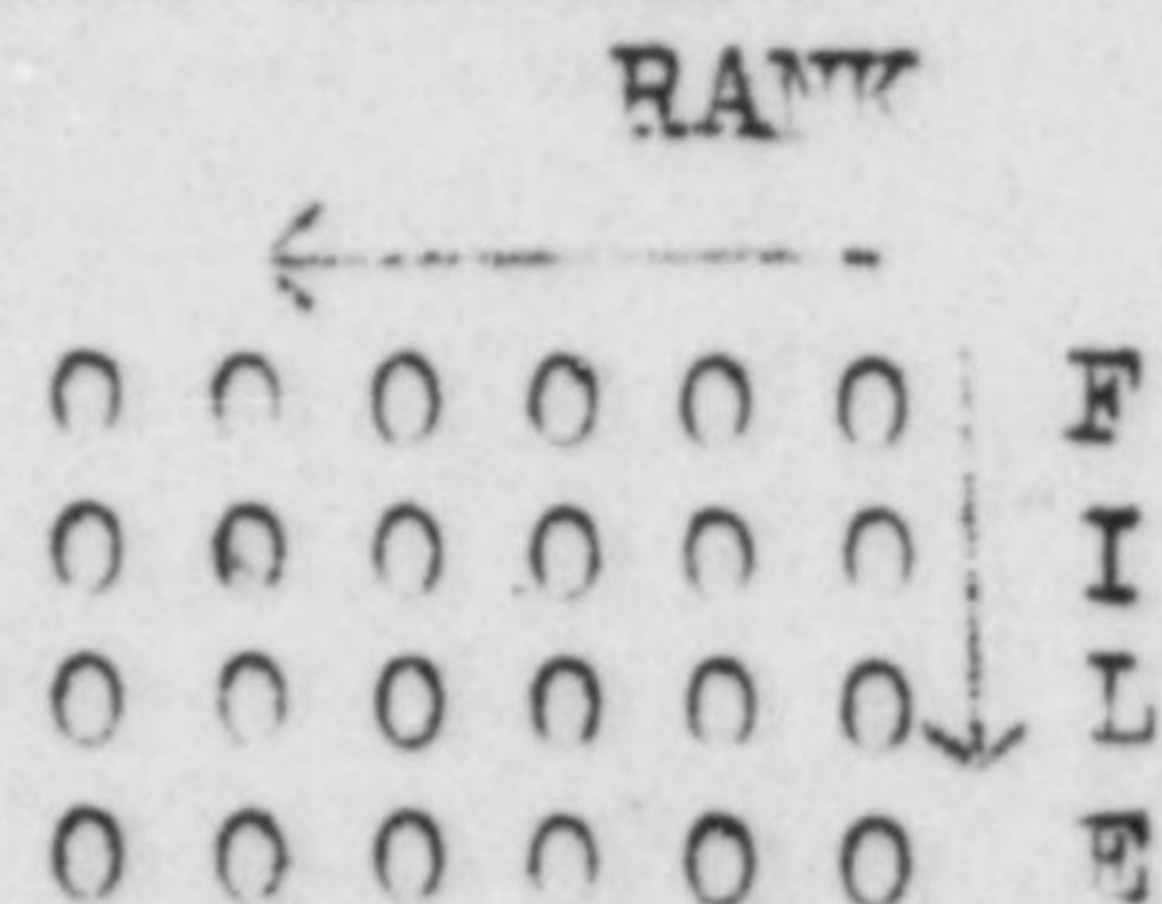
**REPRESENTATIVE DEMOCRACY** - a system of political or trade union government wherein decisions affecting all of the people are made by majority vote of persons, called representatives, who have been elected by the majority vote of their constituents and instructed to speak and vote in the interest of the people who elected them.

**SOLIDARITY** - the development of unity of principle, based on majority vote of decisions, whereby all of the men and women in a given unit, such as a local or a national union, are united on one or more issues.

**TRADE UNION SOLIDARITY** - this develops when every member of a trade union accepts the basic social and economic philosophy of trade unionism: i.e., better wages, decent hours, and good working conditions obtained through collective bargaining procedure.

**UNITED ACTION** - All of the workers in a trade union are able to accomplish trade union goals because of trade union solidarity. When they have one hundred per cent solidarity on a certain issue or issues, thousands act as if they were one; hence, united action.

**RANK-AND-FILE** - Consider a local union of one hundred members lined up as for taiso. (See diagram.) Every member, whether he is in front, in the middle, or in the rear, has the same rights and the same duties, the same privileges, and the same union protection. No member of the union is any better or any worse than any other member.



**MAJORITY VOTE** - When a decision is to be resolved, a vote is taken. It can be hand, head count, roll call, or secret ballot vote. The decision of the majority of the members voting becomes the decision of the entire group.

**NATIONAL UNION** - a union of one craft or industry which unites in one over-all organization all local unions who desire to form such a national union for their own cooperation and protection.

**UNION FEDERATION OR CONGRESS OF UNIONS** - an association of national unions formed to coordinate the work of the national unions, and in order to increase union strength, power and protection.



DEMOCRATIC PROCEDURE - methods of election, operation, trial, and so forth, which are established in democratically-written constitutions and carried on by majority vote. No secret agreements, no arbitrary action is possible under democratic procedure.



### NATIONAL LABOUR RELATIONS ACT

The following is a description of the National Labour Relations Act of the United States. It was passed by the Congress of the United States in 1935 and upheld by the Supreme Court of the United States in 1937. Because this Act was sponsored by the great American, Senator Robert F. Wagner, the Act is often referred to as "The Wagner Act".

The Act itself is administered from Washington, D. C., by a three-member National Labour Relations Board which is appointed by the President of the United States. This board has branches in all important industrial areas of the United States.

This commentary on the Act contains some direct quotations from the Wagner Act. You will notice that such direct quotations are underlined.

Copies of the National Labour Relations Act can be read in full in the C.I. & E Library, opposite Sanshin Building, Tokyo.

Any or all of this commentary can be reprinted in full or in part by Japanese trade unions and other organizations or persons.

#### The Wagner Act

The National Labor Relations Act declares it to be the policy of the United States to eliminate the causes of certain obstructions to the free flow of commerce, by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of maintaining the terms and condition of their employment or other mutual aid or protection.

#### General Statement of the Rights of Employees

Section 7 of the Act contains a general summary of the rights guaranteed to workers. It states that employees shall have the right to self-organization to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining, or other mutual aid or protection.

In order to protect workers in the exercise of these rights the Act specifically provides for:

- a. Prevention of unfair labor practices (section 8).
- b. Selection of representatives for collective bargaining (section 9).

The right to strike is also specifically preserved (section 13).

#### Prevention of Unfair Labor Practices

Employers are forbidden to engage in any of the five unfair labor practices listed below. Foremen and all other representatives of management are considered



by the Board to be agents of the employer. The employer is therefore held accountable for any unfair labor practice committed by an individual supervisor.

1. To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

Following are examples of employer interference with union activity which the Board has declared to be illegal under this section:

- a. Discouraging employees from joining or forming unions by any means.
- b. Interrogation of employees as to union membership or activity.
- c. Prevention of legitimate union activities on company property. In this connection the Board has in general followed the rule that an employer may properly prohibit such union activities as signing up new members and collection of dues during working time, but not on the workers' own time, even though they are on company property.

2. To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided that .... an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

Under this section, company-dominated unions or organizations controlled by the employer are banned. The Board has declared the following sort of conditions are violations of this section:

- a. Where management takes an active part in forming the organization.
- b. Where management brings pressure on workers through supervisors to join an organization.
- c. Where management provides the organization with free publications, meeting facilities, etc.
- d. Where management plays favorites with one organization as opposed to another.

This section does not bar formation by employees of an independent union or an organization limited to employees of a single company unless it is shown to be dominated, interfered with, contributed to, or supported in any way by the employer.

3. By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: Provided, that nothing in this act .... shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.



Under this section the Board has held it unfair for management:

- a. To discharge an employee for union membership or activity.
- b. To refuse to hire qualified applicants because of previous union membership or activity.
- c. To discriminate against union employees by holding back wage increases, by lay-off, demotions, or assignment of more difficult or disagreeable work.
- d. To refuse to reinstate an employee laid off or discharged for union activity, or to demand that he give up union membership in order to be reinstated.

This section does not affect the employer's right to discharge, transfer, lay off or otherwise change the conditions of employment of a worker for just cause such as disobedience, bad work, or drinking on the job.

In weighing a charge of discrimination, the Board usually gives consideration to such factors as:

- a. Testimony of foremen and fellow-workers concerning worker claiming discrimination.
- b. Treatment given by management to employees of equal or less ability.
- c. Adherence to plant rules.
- d. Previous warnings.
- e. Management's general attitude toward unions.
- f. Management's knowledge of worker's union affiliation and/or union position.
- g. Length of employment.
- h. Skill, experience, and efficiency ratings.

The Act declares that close-shop contracts are legal, provided:

- a. The contracting union is not established or assisted by any action defined in this Act as an unfair labor practice, and
- b. It is the duly authorized representative, chosen by the majority of employees in the appropriate collective-bargaining unit.

Maintenance-of-membership and preferential clauses are similarly protected.

4. To discharge or otherwise discriminate against an employee because he has given testimony under this Act.



5. To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

The Board has found evidence of lack of good faith in bargaining on the part of management under such circumstances as the following:

- a. Where management refuses to negotiate with the representatives chosen by the employees in accordance with section 9 (a) of this law.
- b. Where management refuses to negotiate with duly authorized union representatives who are not in the employ of the company.
- c. Where management engages in unfair labor practices during negotiations.
- d. Where management seeks to by-pass or undermine the union during negotiations, by improving or changing working conditions on an unilateral basis.
- e. Where management rejects the union's proposals without submitting counter-proposals or attempting to reconcile the differences.
- f. Where management refuses to put an agreement in writing and sign it.
- g. Where management calls for a vote on proposals under company-dominated circumstances.
- h. Where management fails to have its representatives available for conferences with the union at reasonable times and places or fails to appoint representatives with power to reach agreements.
- i. Where management refuses to consider grievances or disputes arising out of the interpretation or administration of a collective contract.

#### Procedure in Unfair Labor Practice Cases

If a worker believes that the employer is engaged in one or more of the unfair labor practices outlined above, he or his union may file charges with the regional director of the National Labor Relations Board on forms supplied by that office. Charges must be sworn to before a notary public or agent of the Board.

After the charges are filed the following procedure is followed by the regional office and the Board (sections 10, 11):

- a. Charges are investigated by field examiners. During this investigation, charges may be adjusted, withdrawn, dismissed, or otherwise closed without formal action.
- b. A complaint is issued if charges are found to be well-grounded and the case is not settled by adjustment.



- c. Public hearing is held before a trial examiner.
- d. The trial examiner's findings and recommendations are served upon the parties and sent to the Board in Washington in the form of an intermediate report. At this point the case is transferred to the Board in Washington. Where compliance is not secured, the aggrieved party may file a statement of exceptions and brief and may request an oral argument before the Board.
- e. The Board reviews the case and makes a decision.
- f. In case of failure to comply with the Board's orders, the Board asks the Circuit Court of Appeals for an enforcing order. The employer may also request a review of the Board's order.
- g. The employer had the Board have the right to appeal from the circuit courts to the Supreme Court.

#### Remedies in Unfair Labor Practice Cases

When the Board determines the existence of an unfair labor practice it has the power to issue a cease and desist order and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. (Section 10 (c).)

Such affirmative actions include orders to the employer:

- a. To disestablish company-dominated union.
- b. To reinstate immediately all persons discharged, laid off or demoted, to former positions without prejudice to seniority rights or other privileges enjoyed prior to unfair labor practices.
- c. To pay back for time lost since worker was discharged. Amount of back pay awarded worker is usually the difference between his net earnings since discharge and what he would have earned had he not been discharged. Worker must try to find a new job while awaiting reinstatement.
- d. To discharge all persons hired in place of those unfairly discharged.
- e. To cease all interference with rights of employees.
- f. To post in plant notice of company compliance with N.L.R.B. order.

There are no penalties or fines and such under the Act. It is only after a court has upheld a Board order and an employer has refused to comply that he may be held in contempt of court and subject to penalties.

#### Majority Representation

Section 9 (a) states that representatives designated or selected for the purpose of collective bargaining by the majority of the employees in a unit



appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, that any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

The N.L.R.A. follows the principle of majority rule in determining representation. The choice of the majority of employees voting determines the exclusive bargaining agency.

Where a dispute exists as to what organization should represent the workers or as to whether the workers desire any union to represent them, the Board is authorized to investigate and may conduct an election by secret ballot or utilize any other suitable method of determining such representatives. (Section 9 (c).)

The Board shall decide in each case whether the appropriate unit shall be the employer unit, craft unit, plant unit or sub-division thereof. (Section 9 (b).)

The grievance proviso in section 9 (a) guarantees the right of individual workers to present grievances to management. In a recent interpretation of this proviso the Board declared that while individual employees may present grievances they may not negotiate their settlement when an exclusive bargaining agent exists. A union representative is always entitled to present and to negotiate at each stage of the grievance procedure concerning his views on the subject of the grievances. This is designed to prevent any under-cutting of the exclusive bargaining agent or side-stepping of the grievance procedure set up in the contract.



Special Note

In the Tokyo CI & E Library you will find some books which deal with the National Labour Relations Board of the United States. Refer to:

DAUGHERTY : LABOUR PROBLEMS IN AMERICAN INDUSTRY  
BROOKS : UNIONS OF THEIR OWN CHOOSING  
MILLIS : HOW COLLECTIVE BARGAINING WORKS  
LORWIN : LABOUR RELATIONS BOARDS

You will secure a copy of the National Labour Relations Act in a pamphlet in the CI & E Library:

LABOUR LAWS AND THEIR ADMINISTRATION : 1943



## UNIONS AND THE PREVENTION OF INDUSTRIAL DISEASES

The following article was written by Dr. I. D. Fagin, head of the Health Institute of the United Auto Workers, CIO, largest international union in the world. This American union has an extensive health program. It should be noted that the 'Sanitary Survey' suggested in this article can be carried on by a union health committee. This article can be reproduced in whole or in part by any Japanese organization so desiring.

"Industrial workers are subject to hazards arising directly from their occupations, in addition to the usual diseases which afflict mankind. In comparison with their colleagues in clerical and professional fields, workers in industry are far more affected by environmental exposures in their daily work. The increased use of toxic chemical agents in industry makes it advisable for the worker to understand what measures are available for his protection. The responsibility for protecting the worker has fallen to the relatively new specialties of industrial medicine and sanitary engineering. Members of these professions work in close collaboration to protect the worker from exposure to the noxious effects of dusts, vapors, gases, fumes, heat, fatigue, and other harmful factors encountered in industry.

"There are three primary phases in the prevention of occupational diseases:

- "1. Periodic medical examinations.
- "2. Sanitary surveys of plants and occupations.
- "3. Installation of mechanical safety equipment and instruction of the workers in personal hygiene and protective measures.

"These primary causes will be discussed in more detail."

Periodic Medical Examinations

"Periodic medical examinations are a decided advantage both to the worker and to management. Some of the larger organized labor units offer medical examinations to their membership by facilities such as our own Health Institute. Many of the larger plants have their own medical departments for the conduct of such programs. Whether it is labor or management which arranges for the examinations, the objective can be the same; maintenance of the health and efficiency of the worker. From management's point of view, the advantages are:

- "1. Decreased absenteeism from sickness.
- "2. Decrease in insurance costs resulting from reduction in accidents and industrial diseases.
- "3. Increase in efficiency of the individual worker with resultant increase in productive capacity.
- "4. Elimination of risks to other employees resulting from improper placement of individuals subject to convulsive seizures or mental disturbances.

"From the worker's point of view, the benefits are:



- "1. Information relative to his physical condition with discovery of diseases in their early stages, and a greater sense of security.
- "2. Decrease in loss of time and wages due to illness, with concomitant decrease in expenses for medical care.
- "3. Proper placement in industry, eliminating exposure to ill-advised strains.
- "4. Protection against accidents due to physical defects, with a decrease in the possibility of suffering permanent disability, and an increased protection in the event of compensation claims."

#### Sanitary Surveys

"These surveys are usually conducted by consulting sanitary engineers employed by the plant or by the industrial hygiene department of public health services. There is yet no adequate provision for the direct representation of the interests of organized labor in these surveys. The sanitary survey is an extremely important item in the prevention of occupational diseases because it indicates the necessity for the institution of protective devices and methods. The survey should consist of the investigation of the following features:

- "1. Types of medical services available to the workers in the event of illness or injury.
- "2. Availability of periodic medical examinations.
- "3. The structure of the plant, particularly with respect to provisions for ventilation, lighting, and elimination of overcrowding.
- "4. Provision of sanitary facilities, such as rest rooms, toilets, drinking water, cafeterias, etc.
- "5. Analysis of types of occupations in the plant, particularly with respect to the hazards, the exposures, the illnesses, and the labor turnover in each occupation.
- "6. Provision of methods for the protection of the workers.

"It is apparent that such a survey requires close cooperation between the industrial engineers and the industrial physicians."

#### Protective Methods

"The instruction of the workers in health and safety measures is an integral part of their protection. Instruction is offered under the guidance of agencies such as U. S. Department of Labor, National Safety Council, local boards of health, U. S. Public Health Service, and various insurance companies. The Health Education Department of the Health Institute conducts health and safety courses in cooperation with Wayne University.

"There are various methods available for the protection of the worker exposed to occupational hazards, depending upon the type of exposure encountered. It is possible in certain types of hazards to isolate that particular hazard



within a restricted area and thus decrease the number of workers exposed to it. Such isolation procedures have been applied to paint-spraying and some dust hazards.

"Another protective method is the provision of adequate local exhaust ventilation to remove toxic dusts, fumes, gases, and vapors from the vicinity of the workers.

"The substitution of non-toxic substances for toxic agents may remove certain hazards. For example, the use of steel abrasives instead of sand in sandblasting rooms reduces the dust concentration in those rooms to about 1/6 of the sand figure. The addition of aluminum dust to an atmosphere containing silica dust has been suggested in attempt to decrease the incidence of silicosis.

"Personal protective devices such as goggles, masks, respirators, aprons, gloves, boots and protective skin ointments are other measures which may be applicable to specific hazards."

#### Conclusion

"This very brief survey has attempted merely to indicate the extent of the problem of industrial disease prevention. The industrial physicians are trained to recognize diseases due to occupational exposures and to supervise the general medical conditions of the workers. The sanitary engineers are trained to analyze the hazards in industry and to recommend protective measures. Organized labor has recognized that industrial hygiene is of great significance to the worker, and clauses referring to health hazards are being incorporated in many union contracts. It is to the best interests of the workers to cooperate in the industrial hygiene programs of the plants. The problem is greatest in the small factories where there is no provision for an industrial medical set-up. The workers in such plants should take the initiative in educating themselves with respect to general hygiene and safety measures so that they may call attention to inadequacies in protective equipment, deficiencies in sanitary provisions, and other existing hazards."



PREPARATION OF A TRADE UNION CORRESPONDENCE COURSE

Statement for the Conference of  
Education Directors of Japanese  
National Unions held on 23  
August 1946 at Radio Tokyo.

Presented by:

Richard L-G. Deverall  
1st Lt. CMP

ECONOMIC AND SCIENTIFIC SECTION  
LABOR DIVISION

TOKYO



### CORRESPONDENCE COURSES

Inasmuch as many small and remotely located local unions are unable to finance a labour school, yet the need for such a school remains, many unions in America and Great Britain have developed the use of the correspondence course as a useful technique of mass education requiring no teachers and no classes, and small expenditure on the part of the national union.

Correspondence courses are best suited for material that can be divided into five or ten sections, each lesson being a whole in itself, yet so related to the other lessons that when the course has been completed, the union member has advanced both his knowledge of trade unionism and his comprehension of the world about him.

#### Preparation

The most important aspect of the development of correspondence courses is that of its preparation by the education director of the national union. It is not something that can be done in a day or a week. Correspondence courses must be developed, criticized, tried, and constantly corrected in order to develop their fullest value.

There are two general aspects of the correspondence course. The first is the regular receipt of information on the part of the union member; the second, is his sending back answers to the national organizations to the questions that are printed at the end of each lesson. Every student who completes all lessons in a given course and has sent in the answers, should receive a diploma signed by the national educational director in order to serve as one motive for completing the course.

#### Outline the Course

After the national union education director has decided upon the topic for a course (Trade Union Act, Labour History, Theory of Collective Bargaining, Union Contracts, and so forth) he then outlines a series of lessons which develop logically. For instance, if the first course is one on the Trade Union Act, the education director would then assemble copies of the Trade Union Act, Imperial Ordinance No. 108, and all information he has of decisions of Rodo Iin Kai based on both of these legal documents. He then breaks down his subject, perhaps along these lines:

- Lesson I - End of war, General MacArthur encourages unionization. Passage of the Trade Union Act.
- Lesson II - Chapter One of the Trade Union Act with sections of Ordinance 108 which apply.
- Lesson III - Chapter Two of the Trade Union Act with sections of Ordinance 108 which apply.
- Lesson IV - (ditto)
- Lesson V - Chapter Three of the Trade Union Act with sections of Ordinance 108 which apply.



Lesson VI - Chapter Four of the Trade Union Act with sections of Ordinance 108 which apply.

Lesson VII - Chapter Five of the Trade Union Act with sections of Ordinance 108 which apply.

That makes up a series of seven lessons which will give the student a good idea of the legal structure of the Trade Union Act, the rights of unions under the law, and the duties of unions.

#### Lesson One

The education director then sits down and goes over the material for Lesson One. He has a copy of the statement of General MacArthur dealing with his conversation with Baron Shidehara (see attached Appendix I). He remembers the operation of the Sangyo Hokoku Kai during the war, so finally the trade union education director writes an outline such as this:

- a. Trade Unions in Japan
- b. Defeat of Trade Union Bill prior to the Manchurian Incident
- c. Suppression of Trade Unions during the late 1930's
- d. Formation of Sampo in 1938
- e. Development during the War
- f. End of the War
- g. Reappearance of Unions
- h. General MacArthur's Statement on Unions
- i. Agitation for a Trade Union Act, and its Presentation in the Diet

He then finds that he can write Lesson One, briefly touching on each topic, and this will make a small pamphlet. After he has finished the pamphlet, he has friends read it over, and finally everyone agrees that it is well done. Then he rereads it, preparing, say, ten questions, to go at the end. Some of them would be like this:

1. Who took the lead in destroying trade unions prior to the Manchurian Incident?
2. Why did the militarists form the Sampo?
3. Was labour "free" during the war?
4. Did police suppress labour unions during the pre-war period?
5. What did General MacArthur say about unions?
6. Is the trade union movement related to the democratization of Japan? If so, state briefly why you believe this.
7. How is a trade union different from a Sampo unit?
8. How has the Japanese government protected the growth of trade unions?

And so on. Now when that pamphlet is ready to be mimeographed or printed, it is the first job well done. But there is still something. If possible, the



subject matter should be illustrated with a few cartoons or drawings. Perhaps you can draw a schematic diagram showing how trade unions differ from Sampo units. Any good cartoonist can study Lesson One and draw a few good cartoons which will highlight the subject matter, aid in making the pamphlet interesting.

### Lesson Two

Well, the union education director puts another pot of tea on the hotplate and goes to work on Lesson Number Two. He studies Chapter One of the Trade Union Act, and examines Ordinance 108 to see if there is any further interpretation. He notices that in Article 1 of Chapter One it mentions that "the provisions of Article 35 of the Criminal Code shall apply to collective bargaining and other acts of trade unions...". The average Japanese worker does not know what that is, so he will send out a clerk to get the Criminal Code and determine the essential elements of the article. He reads about the fact that certain government workers can form unions, others cannot. Perhaps he has a copy of a Welfare Ministry statement on this. After he has assembled all material relating to Chapter One, he then sits down again and plans an outline, then writes up the essence of Chapter One, quoting the law article by article, illustrating each point with a few simple examples which will make clear to the worker the intent of the law.

Again, he draws up a series of five or ten questions, has a cartoonist illustrate the subject matter, and in a few more days, Lesson Two is ready for the mimeograph or the print shop. It is important that each point be illustrated with events which have developed in Japan since the end of the war--with especial reference to company unions. As Article 2 defines clearly what a trade union is, the education director should explain what a goyo kumiai consists of, and set up a few rules defining goyo kumiai.

### Lesson Three

Chapter Two is now ready for preparation. As one studies Chapter Two and relates it to the provisions of Ordinance 108, the education director finds that it is very long--too much material. So he will divide it into two sections. Article 5 to 10 of the Trade Union Act will go into Lesson Three--the first half of Chapter Two.

A careful study of this Chapter, Articles 5 to 10, reveals some general subjects:

- a. Registration of the Trade Union with the Authorities
- b. Granting of Recognition by the Administrative Authority
- c. Appeals to the Decision of the Administrative Authority
- d. Matters to be Registered with the Prefecture
- e. Alteration of Union Constitutions by the Rodo Iin Kai
- f. Right of Union Representatives to Represent the Union

After he reads all of this carefully, he then has to gather material. Some Rodo Iin Kai have made rules regarding union constitutions. Some constitutions have been sent back to the unions because they admitted personnel ineligible under Article 2 of the Trade Union Act. He gathers all of this, and then writes Lesson Three, citing the law, and giving examples on every point possible in order that the workers will understand the intent of the law. He will possibly point out that if a company union is granted a charter, some legitimate trade



union can file a complaint with the Ken and bring about an investigation.

After he has written Lesson Three, he then makes up a few questions like this:

1. Does the Rodo Iin Kai in your Ken prevent the organization of company unions? If so, cite a few examples.
2. Does the Rodo Iin Kai examine union constitutions in your Ken to see whether or not they are bona fide trade unions or company unions?
3. Does the law require that the union tell the Ken how many members it has?
4. Can the Rodo Iin Kai order changes in the union constitution?
5. Can the union delegate its powers of negotiation to any person?

Again, the checking of the writing, the cartoons, and the final mimeographing or printing of the lesson.

#### Lesson Four

Now we go to Lesson Four, and by this time the union education director finds that he has himself learned many things about the Trade Union Act which he did not know before. Now he takes up the remainder of Chapter Two of the law--Articles 11 to 18. Again, he finds that many of the articles of Ordinance 108 apply to the Trade Union Act, so first he has to fit it all together so that he understands the relation between the law and the ordinance.

Then he examines the material of the law, and finds that he can list quite a few topics:

- a. Employers cannot fire anyone for union membership.
- b. "Yellow Dog" contracts are outlawed by the law.
- c. The union is protected from legal damage suits.
- d. There is a procedure for the dissolution of a union.
- e. A union may be dissolved by the Government under certain conditions.
- f. Labour unions are subject to certain articles of the Civil Code and other laws.
- g. Union funds are exempt from taxation.

Now we have a large amount of research work. The union director may have information about a case where a trade union invoked the law when a company fired a worker because of union activity. He will have to write out a good definition of a "yellow dog" contract, and find a few examples of this. He will discuss the various aspects of the articles dealing with union dissolution, and perhaps compare them with similar articles in the labour laws of America and Great Britain--if there are such articles. He will have to read the appropriate articles of the Civil Code and other laws mentioned in order to know what unions can and cannot do.

When he has completed his research work, he again can sit down and write Lesson Four, citing the law, giving examples, making definitions, and explaining



in clear but simple language all of the rights and duties defined by the law, always relating the law to current happenings in the Japanese labour movement. He might include a small section dealing with the procedure that a union would follow if a member were fired by an employer for union activity--how the Trade Union Act can be invoked by any union, or union member, to prevent such illegal procedure. After illustration of the pamphlet, it is ready for the press.

#### Lesson Five

Now we come to Lesson Five. This one will be difficult, because it presents knotty problems about something which does not yet exist widely in many places in Japan--the trade agreement. First, the union education director has to secure a few sample trade agreements of Japanese unions, and perhaps read a few of the agreements of American unions which can be found in the CI & E Library in Tokyo (Ford Motor Company, General Motors Company, the United Mine Workers of America, the United Steel Workers of America, and so forth). (Note: The CI & E Library is open to Japanese only. It is located in downtown Tokyo across from the Hibiya Theatre and the San Shin Building;). He will study the agreements, find out what is in them, and be able to describe briefly what they include.

The relation of the Rodo Iin Kai to the development of trade agreements should be studied with a view to discovering whether any Rodo Iin Kai in Japan has approved any trade agreements.

Again, after the research work and the reading, the education director will outline his lesson, write it down, and drive home each point with examples drawn from Japanese trade union experience as well as America, or British, or other trade union experience with trade agreements. Questions made, cartoons drawn, and Lesson Five is ready for the printer or mimeograph boy.

#### Lesson Six

Lesson Six will really be a big job, for the Rodo Iin Kai have been functioning now for many months, they have heard many cases in many Ken, and there is a wealth of material on their decisions in the Japanese press. The union education director will outline carefully the legal procedure to be followed in setting up such a Rodo Iin Kai, and he will outline carefully the rights and duties of the Rodo Iin Kai. Here, again, many of the provisions of Ordinance 108 apply, and the education director will have to work them in, thus giving the workers a full statement of the law, article by article. As the newspapers carry so much information on the Rodo Iin Kai, it will be easy to illustrate every point in this lesson with actual decisions of Rodo Iin Kai, as well as examples of investigations made by the Rodo Iin Kai. After reading the law carefully, the education director will probably decide to outline procedure for union appeals to the Rodo Iin Kai whenever the union feels that any employer, or employers, has violated the Trade Union Act. This section is possibly the most important chapter of the Trade Union Act, for union pressure and union use of the Rodo Iin Kai can make them powerful allies of the labour movement in Japan. The education director should again visit the CI & E Library to read about the National Labour Relations Board in the United States in order to be able to tell the Japanese workers in this lesson exactly how effective the N.L.R.B. (similar to the Japanese Rodo Iin Kai) has been in helping to build sound unions and democratic collective bargaining in America.



When formulating questions for this lesson, the education director should perhaps ask the worker a few questions which will make him find out about the Rodo Iin Kai in his own Ken. For instance:

1. Does the Rodo Iin Kai in your Ken have any staff?
2. Do they meet frequently?
3. Have they heard and acted on any cases yet?
4. Do the public members of your Rodo Iin Kai actually represent the public?
5. Did the unions in your Ken have any part in the selection of the union members of the Rodo Iin Kai?
6. Does your Rodo Iin Kai do anything in the way of gathering labour statistics, and investigating factory and mine conditions?

By the use of such questions, each and every worker who is taking the course will begin to ask questions in his machi and mura. He will find out who is on the Rodo Iin Kai, he will discover what work they do, and he can then judge whether it is a good or a poor Rodo Iin Kai.

Cartoons, final reading and rereading, and then Lesson Six will be ready for the printer. This lesson will have to be done very carefully, because of its importance, and we desire to emphasize the importance of using examples, quoting recent Rodo Iin Kai decisions, and citing examples of where unions have used the Rodo Iin Kai in order to enforce the Trade Union Act.

#### Lesson Seven

Finally, we come to Lesson Seven dealing with the penal provisions of the Trade Union Act. This is very important, for it will show the worker how the union, through the Rodo Iin Kai, can improve working conditions ... and if he refuses, then the Administrative Authority can inflict certain penalties. This drives home the point to the worker that the law contains not only rights, but gives the workers legal basis for action when rights are violated by a powerful employer. This Chapter 5 of the law also mentions more sections of the Civil Code, and again the education director will have to go through the Code and find out the necessary information. More questions, plenty of illustrations, and then a few cartoons, and the final lesson will be ready.

#### How to Use Them

Now the education director has printed up or mimeographed a few hundred, or a few thousand copies of each of the seven lessons. What will he do with them? The first thing is to figure up how much they cost to prepare, and fix a modest price for the seven lessons, including postage. Then send out a circular letter to all local union education committees, and urge them to contact workers in the plant. As members express interest in this program, they will send in their name and address along with the few Yen per person for the course. Set up a card file of these names, and every two weeks, mail out another course to the persons. When the answers come back, check off that lesson. But whether or not



they send in answers, continue to mail the courses regularly. Many men and women will not write answers, but they will still read the courses. As fast as a worker completes the seven lessons, send a diploma to his local union president and ask him to award that diploma to the worker with an appropriate ceremony--so that other workers will be inspired to take the course. In this line, some unions in America and Great Britain make it a part of their constitution that no person can hold office in the union unless he has completed a certain basic schooling in a labour school, or taken a few of these basic correspondence courses--one in the Trade Union Act, and one in Collective Bargaining.

#### Group Study

Now in some locals there may be several members who want to receive the correspondence course and use it as the basis of a small class in the home of one member. That is a fine thing, and should be encouraged. But in such a case, insist that each person who takes part send in his own answers to the questions at the end of each lesson. Unless they do that, do not give them a diploma.

In fact, these correspondence courses will be the beginning of labour schools in Japan. The correspondence course gives you the chance to make every worker's home a school. As he begins to learn about trade unions, he will demand more education ... and that in time will lead to the creation of regular classes in the machi and mura of Japan.

#### Lesson Fee

It is important to make a small charge for the courses, for people are the same all over the world. If they get things free, they do not pay any attention to them. But if they have to pay ¥3 or ¥5 for the course, they will read every lesson because they had to pay for it. This will also enable the education director to get back some of the national union funds ... and that will keep peace between the union education director and the union president in Tokyo.

#### Constructive Criticism

It should also be emphasized that by use of this sort of a correspondence course, the workers will become so familiar with the Act that they can make it work for them. But equally as important is the fact that study of the Act will possibly reveal defects in the Act, or raise new ideas in the minds of the workers. They can then discuss the Act intelligently in a meeting, and then send to Tokyo suggestions for amending the Trade Union Act, or making it more extensive, more valuable to the labour movement. There can be no constructive criticism of the Trade Union Act, and there can be no improvement in it, until the workers know it thoroughly and understand it. In this regard, it may be well to add another lesson, Lesson Eight, which would describe the American National Labour Relations Act ... and by comparing the Japanese Trade Union Act and the N.L.R.A., the workers will then get many new ideas which they may want to incorporate in the law passed by their Diet.

#### Publicity

After you have completed your first correspondence course, get as much publicity for it as possible. If you have a union paper, get some of the officials of the union to issue statements urging the members to begin the course. Run a small advertisement in every issue of the paper. And, if you can secure



the paper and the money, it is often a good idea to send out a small poster to every local union, advertising the correspondence course, describing it, setting the price, and telling how they can begin to take the course.

Union correspondence courses in America, for instance, have been so well prepared, that union education directors receive many requests from managers, plant operators, and other employers asking to receive copies of their correspondence courses.

#### Development of More Courses

This completes the discussion of the correspondence course. In this discussion we have used the Trade Union Act as a functional method of illustrating the construction of a correspondence course. As the months go by, the education department of the national unions will develop other correspondence courses. For instance, after development of the initial course, the next logical course would be a correspondence course in collective bargaining. That would include:

1. The development of collective bargaining in the United States, Great Britain, and other countries.
2. Development of collective bargaining in Japan.
3. Techniques used by Japanese workers to enforce collective bargaining (i.e., strikes, production management, demonstrations, etc.)
4. Collective bargaining in the shop--the shop steward system.
5. Collective bargaining procedure--the bargaining council.
6. Bargaining for a contract. Techniques.
7. Conclusion of contracts and trade agreements--samples of trade union contracts in Japan.
8. Making collective bargaining work--the Trade Union Act--grievance procedure.

There you have eight topics which, written up, would make eight splendid lessons for a Correspondence Course on Collective Bargaining. Much of the subject matter for this course we will discuss in future conferences.

#### Your Job!

So there you have it--the trade union correspondence course. We have merely outlined the method and the technique. Now it is up to you, education directors of national Japanese trade unions, to get busy and see what you can do in this field. We are sure that when some of you have completed the job, it will be a good test of your energy, your resourcefulness, and your imagination. And rest assured that we will be interested in your work!



Special Note

In the Tokyo CI & E Library you will find some books which deal with the National Labour Relations Board of the United States. Refer to:

DAUGHERTY : LABOUR PROBLEMS IN AMERICAN INDUSTRY  
BROOKS : UNIONS OF THEIR OWN CHOOSING  
MILLIS : HOW COLLECTIVE BARGAINING WORKS  
LORWIN : LABOUR RELATIONS BOARDS

You will secure a copy of the National Labour Relations Act in a pamphlet in the CI & E Library:

LABOUR LAWS AND THEIR ADMINISTRATION : 1943



THE PURPOSE AND MEANS OF WORKERS' EDUCATION

Statement for the Conference of  
Education Directors of Japanese  
National Unions held on 7 August  
1946 at Radio Tokyo.

Presented by:

Richard L-G. Deverall  
1st Lt. CMP

ECONOMIC AND SCIENTIFIC SECTION  
LABOR DIVISION

TOKYO



WORKERS' EDUCATION

Workers' Education means many things to many people. Essentially it is the education of young people, men and women who have left school, are working, are active in the trade union movement, and want to increase their knowledge of the trade union - industrial world in which they live.

The purpose of workers' education would seem to be twofold: (1) To increase the knowledge of each and every member of the union in order to improve the social and economic position of the individual member; and (2) to increase the educational level of all union members to such an extent that the unions become powerful enough to be a mighty democratic force in the community.

To put it very simply, Workers' Education is the very life-blood of the Japanese trade union movement. A few active leaders can organize unions, councils, federations, and national unions. But unless every member of every union knows the purpose of the union, and why he or she is in a union, the union has no real strength. Unions are only as strong as the people who join them. The most gifted orator, the wisest trade union leader cannot consolidate trade union gains unless every member of his union is solidly behind him, understands the issues, will not cease action until the union has achieved its goals.

If that is so, why then is workers' education important to the Japanese trade unions and to the men and women who are joining the unions of the New Japan?

The first thing that comes to mind is the all-important fact that prior to the outbreak of the war with the United States, the small trade union movement in Japan voluntarily gave up in the face of the pressure of the Zaibatsu and Militarists. What unions had existed in Japan were exterminated. Some of the leaders were put in jail . . . others were throttled. The war came to an end. With it came an end to the period of domination of the Japanese workers by the militarists.

Today thousands of Japanese young men and young women are working the mills, factories, mines, and shops of Japan. Tens of thousands of Japanese ex-soldiers and ex-sailors are working on the farms of Japan.

This young generation of workers - the generation that will rule the Japan of tomorrow - learns many things about the new *rodokumiai*. But many of them do not understand what it is all about.



But they do know that a new day has dawned. For The Supreme Commander, General Douglas MacArthur, in October of 1945, told the then-Premier, Baron Shidehara, that henceforth the Japanese Government would encourage the formation and growth of free and independent trade unions in Japan.

They know that a new age was born for Japan.

They know that a new instrument for the good of the world has come into being. A democratic form of government has been assured Japan, yes! but that democratic form would have little meaning to the little people of Japan unless they themselves could form unions of their own choosing, learn how to operate these democratic unions, understand what democracy means to them, personally.

The first item, then, which we seem to arrive at is that the workers must learn to understand the trade union movement, must know what a union is, and how it operates.

This is a very important point, and one of the fundamentals of workers' education.

Unless all of the workers understand what the *rodo kumiai* is for, it is easy for a small group of persons, who have outside knowledge, to take over the union and operate it. That is undemocratic, for a union must be operated by the union members. The little girls at the reeling machine and the little boys in the locomotive tender must be as well informed on the *rodo kumiai* as is the stationmaster, or the headmaster in an important middle school in Tokyo.

Having learned that workers' education means education in the building of a strong trade union, what is next?

Well, if you have a union, what do you do with it?

That means that the workers must become more aware of the world in which they live. They have food difficulties. What can the union do to help them solve the food problem? They cannot secure decent houses in which to live. What can the union do to help them? They find that a certain *Tonari Gumi* is militaristic and feudalistic. What can the union do to change that?

In a word, the purpose of workers' education is to aid each and every worker to discover the world in which he lives, to understand it, and hence to be able to go to union meetings and make intelligent suggestions on what to do about it.

In the old Japan, Sato San read the newspaper, and was told what to think, what to do, and what to say.



The New Japan can only be great if the little men and the little women in the machi and mura of Japan decide that the world of tomorrow is going to be a world built by them, through them, and for them. There is no place in the New Japan for a Sato San who will sit back and let Susuki San do all the work. There is too much to be done in Nippon. Democracy is a personal thing as well as a national policy. It means that each and every person in Japan, be he a spinner, a miner, or a locomotive engineer -- every person must know enough about the Japan of tomorrow to play a part today in building that Japan.

Workers' education, then, consists in first understanding the rodo kumiai itself, and then finding out what can be done with it.

## II

### American Workers' Education

The United States Congress passed labor legislation protecting the rodo kumiai. With the passage of the labor laws of the United States, millions of workers joined the unions which had been originally formed during the Meiji period. The two major unions were first, the American Federation of Labor (AFL), and later the Congress of Industrial Organizations.

These unions were very careful to educate their membership in trade unionism. They established schools, founded newspapers, issued booklets, and trained their workers in the philosophy of the rodo kumiai.

As they grow, their educational work expanded. American universities began to teach courses in rodo kumiai, rodo kumiai made moving pictures which told the story of the rodo kumiai, and unions went on the radio in order to tell those who did not belong to rodo kumiai what the rodo kumiai were doing.

Today, in America, the great unions have large departments in their national headquarters which do nothing but devote themselves to the writing of books, magazines, newspapers, and so forth. Hundreds of men all over America are employed from day to day as rodo kumiai educators.

Every summer, in many of the ken of America, the workers come to the University centers for a week or two, put down their tools, and read books in classrooms, hold discussions, learn new ideas in rodo kumiai. And when they return to their machi and mura, they bring back those ideas.

Thus the American rodo kumiai have learned that you cannot build strong unions unless you build democratic workers' education.



One very important thing about the Americans is that they do not spend endless hours in debate and speeches. When there is something to be done, they get to work and do it. We have seen the quick-walking GI on the streets, and we have seen them riding around in the country in their Jeeps. They are a fast-moving and direct-acting people.

Japanese people admire the GI and the Americans for that characteristic. It is important. For instance when the American rodo kumiai found that they could not rent houses, the members of the rodo kumiai held a meeting and wondered what could be done. A small kai was formed, and for weeks the kai met and discussed the problem, read the housing laws, read books on housing. After the talk, they acted. They formed rodo kumiai housing cooperatives, they bought land, and they built houses for themselves.

The important thing to understand is not that they built houses for themselves. The important thing is that they took direct action. They did not wait on the Governor to act. They did not wait for some official to scratch on a pad. They found out what they could do for themselves. Then they acted.

That is also workers' education -- only it is a type of education which we call 'learning by doing'.

Just one more example.

Many American workers found that they could not get enough food at the right prices. Again many of the American rodo kumiai went to work, studied the formation of a cooperative food store. In time, many of these American rodo kumiai formed their own stores, bought from the farmers in large quantities, were able to sell food to the members of the rodo kumiai at low prices.

Again: First, they had a problem. Second, they studied so as to know what to do. Third, they did something.

There is the big thing to learn from the American rodo kumiai.

### III.

#### Japanese Workers' Education

It would seem that the Japanese will not have strong and democratic rodo kumiai unless they have strong and well-educated members. What will they educate, whom will they educate, and how will it be done?

That is a big problem, but if you just sit back and think for yourself, it will be an easy answer.



First, we are all talking about the rodo kumiai. Where did it come from? How do you form it?

We all know of the Trade Union Law ... or do we? Many of us have only heard about it, have never seen an actual copy of the law. Some of us have heard of Imperial Ordinance No. 108, which implemented the law, put it into operation on the 1st of March, 21st Showa.

Laws, laws ... more laws.

Do they have any importance to the Japanese trade unionist?

Certainly. For the first time in history, the Japanese have a law which not only gives them the right to form unions of their own choosing, but sets up a series of regulations to protect the union, to keep it free and democratic.

The law grants certain rights to the Japanese workers.

That is very important. Why? Well, if you have a legal right that means you can do something. Unless you know what the right is, you do not know what you can do.

It follows then that unless you know all about the rodo kumiai law and Ordinance No. 108, you cannot know much about rodo kumiai. That, then is the first point. You must provide ways and means for educating all of the members so that they will know of their rights and duties under the Trade Union Act.

Well and good. Now you have just formed many rodo kumiai. As soon as the union is formed, the executive committee which you have elected is told to prepare a constitution. But what is a constitution?

A constitution is the legal backbone of the union. It outlines the purpose of the union, it tells how you elect officers, it outlines their rights and their duties, it sets the amount of dues you pay, it directs the officers to account for all funds they receive, and it regulates all of the activities of the union. When several hundred Japanese workers band together, they have created an organization which represents power. That power must be used for the good of all the members and the community. An officer is elected as President, and he is told to act for the union. But the union must be protected. Therefore, the Constitution of the union is written and voted on by all of the members ... and that Constitution outlines the power which the members of the union extend to the President and the other officers. The ultimate power remains in the hands of the membership of the rodo kumiai. The Constitution is the method which is used to guard that power while letting a small group of officers use it for the good of all the members.

Do all the rodo kumiai members know what power they have given the President of their union? Do they know what will happen to the money which



they pay into their union?

If they have studied both the constitution and the Trade Union Act, they have started on the road of workers' education.

But with the union formed, the first thing that happens is that the union decides that living conditions must be improved. They do not have enough food or money. So the rodo kuniai calls a general meeting and everyone makes a suggestion as to what they need. After much talking, a list is made of the things they need - more money, increased family allowances, retirement funds, establishment of a rodo kuniai food cooperative, better hours, and so forth.

The union representatives have meetings with the management, and after collective bargaining, the management makes certain concessions. The union leaders and the managers then sit down at a table and write out the terms of agreement. The company promises to pay Sato San such-and-such a wage. Pregnant women are guaranteed a certain vacation and a certain allowance. Point by point, the company and the union write the contract. When it is finished, the contract is taken back to a general meeting of the workers, it is read, and if approved by vote, then the company and the head of the union sign the contract. For the next year, usually, the union will work under the terms of that contract.

So there is the next point. Each and every member of the rodo kuniai must know every point in that contract.

Each year, as the contract comes due, the continued education of the workers will show them the way to improved conditions, new ideas.

Many Japanese labour contracts are very simple. But as your rodo kuniai develops, you will develop contracts which protect every right of the worker. The workers must learn to know that contract from the very beginning, for in that way they cannot only protect their rights, but they can also build a better union.

In summary, you must know the Trade Union Law, you must know your rodo kuniai constitution, and you must know your contract.

All of that seems sensible and logical.

It is also important in order to preserve and extend democracy.

Even a democratic trade union can become un-democratic ... or even anti-democratic. As long as a trade union is run by the membership on a democratic basis, it is a free trade union. But if the membership sits back and lets one or two persons run the union to their own liking - then the union members have killed democracy and their trade union has become bureaucratic and useful only to the top man.

That is how a rodo kuniai kanbatsu comes to power.



When that happens, trade unionism is dead.

There is only one way to maintain democratic unionism. That is by active participation in the everyday affairs of the rodo kumiai on the part of each and every member. Remember, it is a basic principle of democracy that you should never permit any higher agency to do anything for you which you yourself can do. The more you can handle yourself, the more control you have over the world you live in.

Summing up, the basic principle is that your local union will only be democratic if you yourselves run it. Second, you want your local unions to do as much as they can for themselves by themselves. Third, you cannot have strong unions unless you know your legal rights, legal duties; your union rights, union duties; and the contract with your employer.

#### IV.

##### Who Will Do It

Let us repeat that basic principle of democracy. Do not let any higher agency do anything for you that you yourself can do. That does not mean you forbid centralization. But it does mean that you promote democracy by doing as much for yourself as possible.

There are two extremes for a union education program. One way is for the national union in Tokyo to write a letter to the member unions in the Ken, shi, machi, and mura, simply telling them:

"Dear Friends:

Please start an education program. We hope to hear from you by Showa 22.

Sato San..."

Obviously, just asking a local union to do something means little. Perhaps they don't even know what an education program is. Or they want to know ... But they don't know where to start.

Now the other extreme in the approach to workers' education is when the national union is bureaucratic and undemocratic. Under this kind of a set-up, the national union will have a large staff of experts who will write books, newspapers, pamphlets, and make movies. But everything will be done in Tokyo. The membership out in the Ken will be treated as if they are children, with the Papasan rodo kumiai officials in Tokyo telling them exactly what to say, think, and do.

Obviously when education is controlled rigidly from the top, it is really propaganda from one small group of persons.



Well, what then is the way to carry on workers' education? On the one hand, you want to avoid dictatorship from the top. On the other hand, you also want some sort of democratic education program.

As in so many other things, the path of truth is found between the two extremes.

Consider the structure of the Japanese trade union movement as we know it today.

In most shi, machi, and mura there are many small and large rodo kumiai. They are made up of workers in the industries, trades, and utilities of Japan. You find that the workers in each Ken have formed a Ken Federation of Labour, or a Ken Labour Council. You also find that the local unions have joined in with national unions - unions of the same kind of vocation or industry.

Thus, all of the copper mines belong to a national copper mine and smelter union, all of the coal miners belong to an All-Japan Coal Miners Union, and so forth.

The point is this: Unions are organized on a local basis; they federate on a Ken level, they function under top leadership on a national basis.

Now then let us relate this structure with the problem of developing an education movement in our Japanese rodo kumiai.

The local union in the machi and mura must do as much of its own education work as it is humanly possible. But when this local union wants to stage some sort of an educational event with another local union - say a rodo kumiai play - then it will go up a step and go through the Ken Council. Likewise, if a school is planned in a Ken, it would be organized by the Ken Labour Council, for no one union in the Ken could perhaps afford to do the job all by itself.

But suppose that some local union wants to have some movies made telling the history of the Japanese trade union movement. Would it be possible for a union of 200 or 500 members to finance the production of a movie? Obviously, that would not be possible. In many Ken, even a Ken Labour Council could not finance such a thing. So here, then, the logical thing is for the national union in Tokyo to do the job, for then it would be financed by all of the unions in all of the Ken of Japan.

The same would apply to the writing of books on the rodo kumiai movement, the preparation of national radio programs, and printing of national rodo kumiai magazines, and the like.

That is the way to break down the division of labour so that it promotes democracy.

Unless care is exercised, there is always the danger of politicians getting control of the top organization of the union and using it for their



own end. The best guarantee against bureaucracy in the union is a vigorous educational program.

#### Committees

We have divided education work into three parts - that done by the national union, that done by the Ken Labour Council, and that done in the local union.

Of the three, all are necessary ... but the local union is the most important because it is the basic unit of the national union.

In every local union, you will always find a couple of members who like to read, to collect newspapers, and to talk. The first thing to do in your union is for the union president to appoint three or four men and women (especially young men and young women) as the Education Committee of the local union. This group of persons is given authority to operate under the direction of the President. At every meeting of the general members, this education committee makes a report, and in this way, they are made responsible to the membership of the union, not just to the officers.

The committee will have many things to do. It is the practice in American and British rodo kumiai for the union to put five per cent of the dues into a special fund to be used by the education committee. For instance, if your monthly union dues is ¥3, and you have 100 members, you collect ¥300 per month. ¥15 of this would then be given to the education committee. If you have 1,000 members, you give the committee ¥150 per month. That is not much money. But as we will show later, the education committee can use that small sum to build up a larger treasury on its own thru the sale of leaflets and pamphlets.

The committee is then appointed by the head of the union, and it receives its initial finances from the union. Of course, any person who volunteers to serve on the education committee should do so. A volunteer is always welcome.

That committee is then responsible for education in the local union.

Now on the Ken level we have a Council of labour unions from all the rodo kumiai in the Ken. We have coal miners, communications' workers, school teachers, honey dippers, copper miners, factory workers, spinners and reelers - every type of rodo kumiai.

This Ken Council then forms a small education committee representative of the unions in the Ken. This Ken Council Education Committee will then be charged with supervision of education and initiation of projects - but only on the all-Ken level.

This Ken Council is responsive to the wishes of the rodo kumiai which belong to it. It does not dictate policy.

At the top is the Education Department of the National Union. It is the



usual practice in many democratic countries for the President of the Union to appoint the Education Director of the National Union with the approval and consent of the Executive Board. The Director then draws up a program, which is approved by the officials of the union, and then he goes to work. At least once a year, this Education Director will call a conference of all local union education directors in order to coordinate his work with theirs, give them suggestions, and in turn receive suggestions from the people out in the Ken. Further, by use of a monthly bulletin to the local union Education Chairman, the Education Director of the union can coordinate the entire work of the union. But he is at all times responsive to the will of the directors of the union, and at the annual convention must report to the membership and have his report subject to the scrutiny and criticism of the Convention's Education Committee.

Thus, with educational committees on the local level, educational councils on the Ken level, and an Education Department on the national level, the work is divided and there is at all times a check on the part of the rank-and-file.

#### V.

##### What Will They Do

The activities of these various educational groups is varied, and will depend on the size of the union, the type of work, and the money available to the various committees, councils, and Educational Departments. But we can sketch out in rough form some of the principal activities of the workers' education workers, in order to guide them along the new channels.

For instance, one of the first things that the Education Director of a National Union would do would be to start a monthly bulletin or possibly even a printed magazine, which would be sent to every Education Committee in every local union, as well as to all of the shop stewards (lin) in the member unions. Such a magazine would be divided into a few sections - one would contain short reports on educational activities in member local unions; another would outline programs and give ideas to the committees in the Ken; and a third would run informational articles on such things as how to establish a food cooperative, the writing of contracts, the setting up of the shop steward system (lin) and its operation, the Trade Union Act, and so forth. Month by month, this magazine or bulletin would give specific trade union information to the member unions, and that would in turn give rise to education on the local level.

A National Union Education Director would also get busy in designing some basic posters for distribution to the member unions; he would prepare leaflets telling the workers in simple language what the union is for and describe their role in democratic trade unionism. For members in small local unions, he might also prepare a series of mimeographed correspondence courses, whereby the member would receive a new lesson through the mail every few weeks, and thus be able to study the Trade Union Act, labour history, and trade union principles in his own home when free from work.



The National Education Director would also have the job of arranging lecture series, regional conferences, set-up labour schools, and possibly in time begin to hold summer schools for workers in various parts of the country.

The National Education Director would take the lead in promoting the program, and in providing the local committees with the books, pamphlets, leaflets, and posters which are the backbone of the educational system for adult workers. These would be sold in bulk, at cost, to the local unions.

The Ken Federation of Labour would take the lead in arranging for labour plays, lectures, local labour schools, local summer schools, and for holding a monthly conference of all educational directors in the Ken in order that they might meet frequently, exchange ideas, and keep educational work progressing in EVERY local union in the Ken.

Then we would have the Education Committee of the local union - the most important committee of the local union after the Bargaining Committee. This committee would make sure that the educational material from National Headquarters was used properly. It would arrange for lectures on the local level, carry on education of the shop stewards, get small groups of workers to write their own labour plays and present them to the other workers, arrange picnics, build up a library in the union office for the use of the membership, sponsor essay contests in the local primary school in which the children would receive a prize for the best essay on the Trade Union Act, Democracy and Unionism, and so forth. Pamphlets and labour books would be sold.

The Education Committee on the local level would also take the lead in staging discussion groups, in holding round-table discussions of current legislation of interest to labour, and in arranging debates of labour leaders, managers, and public officials on such things as 'What to do about the Food Problem,' 'The Constitution,' and so forth.

And it is important to remember that in the local primary school, this Education Committee may find a valuable friend. They may discover that the teachers will help by giving lectures and conducting discussion groups, and they can often get the principal of the school to permit the union to use the school building one or two nights a week. As the primary school is usually in the center of town, that makes it possible for the trade union to have a convenient meeting place for which it will not have to pay any money.

## VI.

### Functional Education

Now we come to one of the most important forms of education - functional education. This means that you teach by having people do things for themselves.

Consider two examples. An election is coming in your Ken. The members are not satisfied with things the way they are, but they do not know what to do. The Education Committee will appoint a sub-committee of men and women workers who in their spare time will study each of the candidates: Mayor, Diet Member, or what have you. They will find out their record, and possibly



will visit every one of the candidates and ask them what is their stand on labour, what they intend to do about the food problem, and so forth. All of this will be recorded by the Education Committee who will then publish a small circular for the membership, or a poster, giving a summary of each candidate's record and their position on matters which affect labour and the community. Then when the labour union members begin to discuss the question of for whom they will vote, the Education Committee will be able to give them the story on every candidate ... and everyone will have learned how to vote intelligently by having carried on this activity, which in itself is educational.

Now, turn to the food problem. Many farmers out in the country have food, but the problem is in getting it to the workers. Some of the workers might feel that a cooperative society in the union would enable them to pool all of the buying power of the union members, buy large quantities of food from the farmers, and the rodo kumiai cooperative would then sell it to the members at low cost. Again, the Education Committee would get pamphlets and books from National Headquarters, or from the local school, study the problem, and then hold a few meetings of interested members. After they had discussed the problem from every angle, they could then go to a general meeting of the rodo kumiai, tell what they had found, and make a proposal to form a union cooperative association. Every member would learn more about the world in which he lives, and by first having studied the problem, the membership would then be able to take intelligent action.

You see how simple democracy is ... and yet how difficult?

It is simple because it is based on the principle that every man and woman is morally equal and has equal opportunity to study and read. But it is difficult because so many of us are lazy, and do not want to do any work if we can get someone else to do it.

That is why the Education Committee is so important to the development of a sound democracy in Japan. The Education Committee is the agency inside the rodo kumiai which is always pressing for new ideas, wider knowledge, greater social morality, increased intelligent action on the part of all of the members.

It may take a year, it may take five years, it may take ten years. But if the Education Committees of the rodo kumiai on the local level work hard and cooperate with the National Unions, in time a solid democratic trade unionism will be built.

Functional education is also carried on by the Education Committee because in carrying on activity, the members of the committee learn to read, to study, to speak before their fellow men and women workers. In time, some of them develop into leaders, and after a while fellow unionists say: "You know, Sato San is becoming a very wise man. He always thinks before he speaks. And when he speaks, he speaks sense. You can follow his leadership." When that happens, a new union leader is born. Many people, in the beginning of a labour union, establish their leadership by the use of unwise language and loud speech. They are leaders for a while, but they rarely stand the test of time. The real leaders of the trade union movement, the men who will stand



for trade union principles, are the men and women who have come up through the Education Committee, have gone from that to the Bargaining Committee, and from there to leadership of their local union, or their national union. Workers' education is the best guarantee of continued democracy in the trade union movement, for it will provide vigorous leadership from the bottom of the union. If the top leadership of the union is capable, it will know how to use that new leadership in order to expand the union. If the top leadership is bureaucratic and feeble, it will not be long before new leaders will be elected.

This is the key to the educational process in the trade union movement. Activity on all levels, but most important, educational activity at the bottom of the union. This, in turn, produces new leaders and produces greater militance on the part of all the workers.

People only love that which they know. And people will be loyal only to that which they love.

It follows that if the workers know what the rodo kumiai is and understand how to make rodo kumiai work for their good, they will like rodo kumiai. And when they like rodo kumiai, and understand it, then they will stick by rodo kumiai and build it ever greater and greater.

And from that will come a new, strong democratic order which will be an example to the world of how intelligent educational work can bring about a new and better world for all of the people.

In conclusion I want to emphasize that this is just a very broad view of workers' education and the mission of workers' education in the democratization of Japan. In future meetings, we will discuss specific means, methods, and techniques. But I believe that this will give you enough to think about for a time. The first step now is to get back to your national unions, start an educational bulletin, and have education committees appointed in EVERY local union in Japan... After that has been done, the rest will follow ... slowly, yes, but surely.



THE DUTIES OF A SHOP STEWARD

Statement for the Conference  
of Education Directors of  
Japanese Trade Unions held  
on 6 September 1946 at  
Radio Tokyo

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### THE DUTIES OF A SHOP STEWARD

Shop stewards are the democratic representatives of the workers, elected by trade union members, to represent the worker from day-to-day. After a union has been formed, one of the first acts of the union is to negotiate, through collective bargaining, a written contract with the employer. That contract covers wages, hours, and general working conditions, defining the rights and duties of both the employer and the union.

When a union contract has been signed by both the company and the local union, both parties agree with sincerity to live up to its terms for a fixed period. The agreement may be for 6 months, one, or two years. During that period, problems come up from day to day, and it would be impracticable for the head of the union to meet with the president of the company every day in order to solve these problems and disputes.

Hence the union has developed, in its history throughout the world, a system whereby men and women who work in the shop, when elected by their fellow workers, become SHOP STEWARDS. The shop steward system is the democratic machinery used in democratic countries to determine the desires and needs of the workers and, through negotiation between the shop steward and the foreman and managers, turn those desires and needs into reality.

The shop steward is therefore the watchdog of democracy in the shop. It is his or her job to make the contract work, to guard democracy jealously. And just as important, it is the job of the shop steward to keep the workers in his department or building informed on union activities and interested in the day-to-day activities of the union. The shop steward puts life into the contract, and makes it live. Likewise, by inspiration and example, the shop steward encourages all of the trade union members in his or her department to become more and more conscious of the mission of the trade union in building a better world for everyone.

### HOW IT WORKS

Take an example of a small factory in one Ken of Japan. The factory employs 500 workers, all of whom are members of a union. The factory is divided into five parts--raw materials, foundry, machine shop, assembly shop, and warehouse. The union decides that it will have 50 workers per shop steward, so that permits 10 shop stewards in this plant. The raw materials building has 50 workers, so all of the workers in that building will get together and elect 1 shop steward. The foundry has 100 workers, so they elect 2 shop stewards. The machine shop has 150 workers, so the workers elect 3 shop stewards. The assembly building has 100 workers, so they elect 2 shop stewards. And finally the warehouse has 100 workers, so they elect 2 stewards.

The system of election will vary from shop to shop, from mine to mine, from mill to mill. In a department store, the shop stewards will probably represent the different departments of the store. On a ship, the shop stewards will represent the types of sailors. With longshoremen, the shop steward will possibly represent the different work gangs (replacing the feudalistic kumi), and so forth.

Once elected democratically by the workers in their respective branches, the shop stewards then meet with the President and other officers of the union,



and together the shop stewards and the union officers will constitute the bargaining council of the local union.

The system works in this fashion. Every one of the departments has a company foreman or a company supervisor. In turn, the union has its shop steward who is the counterpart of the company foreman, only that he represents the workers of the trade union. Whenever a worker in any department thinks that something must be done in his shop, he goes to his shop steward and hands him a slip of paper. On it he gives his name, his clock number, briefly writes out his grievance, and signs his name. Once a day, usually for a half an hour, the shop steward leaves his job and goes to the office of the foreman. He resents the grievance, tells the foreman why it is necessary, and then they argue about it. Perhaps they settle it, and the change is made. If not, then the steward writes on the back of the slip the decision of the foreman, then hands this to the bargaining council. Once a week, the bargaining council will have a meeting with the heads of the factory, and the grievances not solved on the local shop level will then be brought up. Again, the bargaining council will argue with the top company managers, and they will attempt to reach an agreement. Often agreement will be reached, and the change will be made. If not, the grievance will then be included in the negotiations for the next contract. Or, as in some cases, the union and the company will use an impartial umpire, and the unsolved grievance will go to the impartial umpire for his decision.

This has a very important effect in the shop. A worker with a good suggestion on increasing production makes it through his shop steward, and the union gets behind his suggestion. If it is accepted, through bargaining, the union has scored--and the worker realizes that his brain and his ideas are important. A worker who needs a safety device on his machine, by going through the union, gets that device ... and he realizes that the union is working for him.

And the company begins to realize that every worker in the plant is a human being with dignity and intelligence--that every worker is working every day to improve his working conditions, his productivity, and his usefulness to the economy.

The worker is no longer just a cog in a machine--he is an intelligent, democratic member of the economic society.

The shop steward system and the bargaining council have another important function. As the months go by, the shop steward in each department becomes an expert on the operations and functions of his department. He knows just what must be done to make production and working conditions better. He knows what the workers want in his department. When it is time to begin meetings with the company to discuss terms for a new contract, each shop steward makes a contribution--one department needs this, another department needs that. The bargaining committee meets with the union officials and they write down all of the demands of the union. Then, at a general meeting of the membership of the entire local union, the demands are read, point by point, and the membership either approve, or change the demands. When the final demands are worked up, then the bargaining council and the union officials begin their meetings with management, making their demands, and fighting for them if the company will not accept the demands. Because the shop stewards know so much about their own department, they are able to give convincing arguments, and can quote facts and figures. The shop stewards are able effectively to work for a good contract.



In this fashion, as the years go on, union conditions are improved, production is increased, and both union and company profit.

For you see, a good union develops healthy human relations in the plant. The worker is more interested in his job. Democracy in the shop is promoted. And the workers feel that they are more a part of the company. That does not mean that the company dominates the union. Rather, the union and the company learn to live with each other, to bargain, to march forward together on the road to industrial democracy.

#### DEFINITIONS

Let us make a few definitions before we go any further. A local union is the unit of the trade union which is established in any one plant, mine, mill, or other unit of employment. A shop steward is the democratically elected representative of the workers in any given unit of a factory, mine, or mill, who conducts day-to-day collective bargaining. A bargaining council is the organization of all shop stewards in any plant, mine, or mill, headed by a democratically-elected chairman, that conducts week-by-week collective bargaining, and participates in basic formulation of contract revisions, changes, demands, and clarifications. A grievance is any demand, request, or suggestion made by the worker to his shop steward. A grievance slip is the piece of paper on which the worker writes out his name, clock number (or other designation), and grievance. Seniority refers to the length of service of workers either in their own department or in the plant in which they are employed. An impartial umpire system is a system employed in many industries where there are large numbers of employees. The union and the company jointly employ some private citizen, usually a person of great learning, who is paid by both company and union. The union and the company agree through contract to accept the decision of the impartial umpire in advance. Incentive bonus is that system of working whereby workers are paid by the pieces of work, with a rising rate of pay for increased daily production. Many unions in America and Great Britain have abolished incentive bonus systems because they tend to break down the union through inordinate competition between union members. The shop committee is another name for the bargaining council. A union card is the card which every member carries certifying that he is a member of the union. If he does not pay his dues on time, he is then not in good standing, and the union will take away his union card. The union card must be shown whenever the union member enters a union meeting or other union function. The checkoff is that system whereby the company deducts union dues from the workers' pay and hands it over in a lump sum to the union treasurer.

Conciliation means that either labor or management, or both, has called in an impartial outsider of knowledge, whose duty it is to keep tempers down, get both parties to define their demands, and in this fashion aid in their achieving a mutual agreement. Mediation means that either labor or management, or both (or some outside private or governmental agency) has called in one or more persons of knowledge who perform the services of conciliation, hear each side, prepare drafts of a proposed settlement, marshal public opinion, and in this manner attempt to bring about a peaceable and just settlement of the dispute. Arbitration is employed when both labor and management agree to set up a board, headed by an impartial outsider, which will hear the disputed points. Both management and labor agree, in advance, to accept the award of the arbitration board. (The union contract clauses at the end of this conference will illustrate the elaborate machinery used by American unions in setting up such arbitration boards.)



MANUAL

The shop steward system is so vital to the success of democratic trade unionism in the United States and Great Britain that the unions print little handbooks on the duties of a shop steward. They are printed in pamphlet form small enough for the steward to carry with him. The remainder of this study is an edited reprint of the pamphlet, SO YOU ARE A STEWARD: A HANDBOOK FOR SHOP STEWARDS AND DEPARTMENT COMMITTEES published by the Textile Workers' Union of America in 1943. It is very much like the handbook issued by other American unions, and is presented not as a model, but as a guide for Japanese trade union education directors. After you have studied this guide, you will then be better prepared to write such a book for Japanese shop stewards. It is the practice of many education directors of American trade unions to hold a shop stewards conference once a year. At this conference, they go over the handbook, discuss it, and rewrite large sections in order to make it more timely and more effective in building the union.

SO YOU ARE A STEWARD!

"Let's look first at the steward's main tasks, his dealings with management. How can he best perform the job of seeing to it that the contract is lived up to in his department, that workers who have grievances can get them settled satisfactorily and as rapidly as possible?"

"Obviously, a shop steward who isn't completely familiar with the contract covering his plant will not be able to tell whether or not the company is living up to it. Unless he knows the contract provisions, he'll not be able to properly advise a worker how to settle a complaint, much less discuss the matter with his foreman. So we might say that the first rule for shop stewards is: Know your contract."

"The steward should read it over himself, and discuss it at shop stewards meetings, so that he is familiar enough with it to know how it applies to conditions which arise within the shop. A copy should always be kept close by for reference, for no one can be expected to memorize all of the clauses that go into a modern collective bargaining agreement.

KNOW YOUR DEPARTMENT

"Then too, a steward who wants to be able to handle grievances intelligently must know his department. He must understand the operations as well, if not better than management. He should know which of the jobs are paid for by the hour and which by the piece. If an incentive bonus system is in effect, the steward should know how it applies in his department. He should know something of expected and actual productions on the various jobs, and how the earnings run, in dollars and cents.

"The steward will be familiar with much of this information from his work in the shop. The union files may contain some of the rest of it. In many mills both wage rates and production records are posted. Whenever possible, each steward should have a copy for his department.

"From his contacts in the department the steward will also pick up much other information which will aid him in settling grievances. He will know which workers are high producers, and which low, which machines are always getting out of order, while others run well.



"He will have a general picture of the seniority standing of each worker, and whenever possible will have a copy of the seniority records for the department. In many plants as a result of union requests, the seniority rosters are posted in the department, and corrected periodically. Whenever possible, this should be arranged for.

"With a little attention to detail, he will probably know more about the department than the foreman or supervisor. He'll find this a big help in getting grievances settled properly.

#### HANDLING THE GRIEVANCE

"Almost every Rodo Kumiai contract establishes a procedure for handling grievances. This will vary from plant to plant depending upon the local situation. As a matter of fact, there are probably no two mills in which grievances are being handled exactly alike.

"In those instances in which the contract does not include a clause on grievance machinery, the local union and the company have usually come to some agreement as to just how grievances are to be handled. Unless this is done there can be no assurance that the rights of the workers will be protected.

"In establishing grievance machinery, and in its use, the local should guard against delays. Rapid handling of grievances is the union's best morale builder. Don't have so many steps in the grievance procedure that it takes a year for a grievance to be settled.

"Time limits for company answers should be set at each step. This gives the union the opportunity to move the problem right on up, should minor company officials try to slow it.

#### THE FIRST STEP

"A shop steward will of course know the procedure to be followed in his mill and be prepared to get right on the job as soon as the worker comes to him with a grievance. That consultation between the worker and the steward should be the first step in the handling of every grievance.

"The steward knows the contract, and can advise the worker on his rights. He should know about the grievance because a decision on it may affect many other workers, whose welfare is involved.

#### IS IT A GRIEVANCE?

"Faced with the grievance the shop steward then has the task of determining exactly what it is, whether it can properly be adjusted under the terms of the contract, and if it can be, how the case can best be presented to management.

"When is a grievance not a grievance? That's a question that has bothered shop stewards and union officials since the first contract was written. Perhaps the worker is complaining about an unfair distribution of work, while the facts show that such was not the case. Or else a worker may feel that he is entitled to a promotion, although the seniority clauses in the contract indicate that the company has acted correctly.



"In such instances, after a thorough analysis of the situation, the steward has the responsibility of telling the worker that his complaint is not justified, and explaining to him just why it is not. Every doubt should be resolved in favor of the worker, for after all, the steward is his representative and not an impartial arbitrator. If there is any chance at all that the worker is justified, the grievance should be started right up the proper channels.

"It should be remembered, too, that not every grievance may be a contract violation. Many justified complaints arise concerning working conditions, or such problems as the improper treatment of workers by supervisors, which are not covered by specific contract clauses, and yet should be handled by the union. As the collective bargaining representative of the workers, the union has the right to raise these questions, and should put up the best possible fight on them.

"If, after a thorough consideration the steward feels that no grievance exists, it is his duty to the worker and to the union to state this, and to take the time to explain why. All of us are reasonable beings, and want to be treated as such. A few minutes spent by the steward in explanation will save a lot of hard feelings later.

#### GET IT IN WRITING

"Let's assume then that the worker has presented his grievance to the steward, and that the steward finds the grievance justified and is ready to take it up. The next step is to get the grievance down in writing, and have the worker sign it.

"Many Rodo Kumiai contracts provide that the grievance must be written out and signed at some step of the procedure, but even where the contract does not require it, the written grievance form should be used by every local.

"The written grievance, signed by the worker, is evidence that the worker is ready to stand behind the union steward who is arguing the case. The worker will be more certain to have his facts straight if he is going to sign for them, and both the worker and the steward will give more thought to the problem, if it is to be written out.

"Then, too, the worker can't deny the facts he has once stated and leave the steward alone defending a complaint that can't be proved, as has happened in so many occasions when the steward acts on a verbal grievance.

#### THE RECORD'S IMPORTANT

"From the union's point of view there are even more important reasons for using the written grievance. It forms an important record for the union. This record can be used to check on whether or not the company has followed through in the settlement.

"It will serve as a precedent in other similar cases, and aid the union in preparing for them. It can be the final answer to those scoffers who say, "Oh, the union hasn't done anything." By indicating which types of grievances are usually won, and which are lost, the records can aid in the drafting of a new contract, by indicating where improvements in the old one are needed.



"It is difficult, if not impossible to keep this kind of record unless the grievance is written out in the early stages when it is still fresh in the minds of the worker and the steward. In most local unions it is the practice to write out every grievance which must go over the head of the immediate supervisor, but some locals require written copies of every grievance which is handled by the steward, even though it be settled without any appeal.

"The written grievance can be prepared either by the worker, or by the steward, after consultation with the worker. In most instances, because of his greater experience, it will probably be better to have the steward write it out. The number of copies will depend upon the local situation, but there should be at least three, one for management, one for the steward, and one for the local union office. Each copy should be signed by the worker involved.

#### USE THE PRINTED FORMS

"The national office often provides printed grievance forms, and these should be used. They indicate the type of information which is required for a well prepared grievance. Naturally there will appear the name of the worker involved, the department, the shift, the supervisor involved, and the name of the steward.

"Then in the statement of the case be sure you have:

- "1. The nature of the complaint.
- "2. The clause of the contract which has been violated, if a contract violation is involved, and how the company action violates it.
- "3. A clearly worded request for adjustment.

"Written grievances should be kept short and to the point. It is not necessary that they be long documents. Supporting information can be introduced in the verbal argument of the case.

#### GET ALL THE FACTS

"Writing the grievance presents the steward with the need for getting the facts. Before he can argue the case intelligently, he must make sure that he has all of them. In some cases, this will be a simple matter.

"Such would be the case of a worker who was sent home without being given work, and without being paid reporting time; or another who was not paid for time lost due to machine breakage, although the contract specifically requires this.

"Every steward should be warned, however, that getting all the facts means more than hearing just the story of the worker who has the complaint. As we shall see it later it may involve consultation with a whole department, or even the investigation of conditions in another mill, through the machinery of the national union.

"In some cases, too, the company's side of the story, is needed to complete the picture. A worker may rush up to a steward complaining bitterly because he has been sent home for a day as a penalty for coming in late. When the problem is put before the foreman, he might point out that the worker makes



a practice of coming in late, and has been warned about it many times. In such an instance the union's attitude would be quite different than in the case of a first offense!

#### WAGE CASES

"Getting the facts on wage and work load grievances is usually not even as simple as this. If a weaver is complaining that his earnings have dropped because of poor warps or bad filling, the steward should find out from the pay envelope just what the cut has amounted to. He should also find out whether other workers on the same type of work are affected, so that the whole matter can be settled at once.

"The most careful investigation will be required to discover what remedy would be the best. Should the union request a guaranteed hourly wage? Should there be a temporary increase in the piece rate? Or would the best solution be some help on the floor to keep ends tied and the looms running?

"Very often a change to a new style of work will be accompanied by a reduction in earnings. Although the workers may be protected by the contract, it is important that comparative earning records be available if the case is to be won.

"If the mill is operating on an incentive bonus system it may not be so simple to get some of these facts but an alert steward will call upon his local, and if necessary the national union for help if it should be needed.

"In discharge cases it is important that the steward have a complete record of all the conditions surrounding the discharge. Sometimes the names a foreman called a worker before the worker hit him on the jaw will determine whether the discharge was justified or not.

"Then, too, whenever a worker is penalized for misconduct by being given time off or being discharged, the steward should find out whether the penalty is a customary one, or one just used in this particular instance because the foreman may have gotten to bed too late the previous night.

#### ABOUT DEPARTMENTAL GRIEVANCES

"Many grievances, such as those just mentioned, or others involving division of work, or layoffs, or the application of seniority rules to promotions, always concern more than one worker, and may affect an entire department. In these cases the wise steward will be sure to consult the workers affected, and only advocate those policies which have the support of the group, and are in accord with the provisions of the contract.

"The best way to consult a large group of workers is through the departmental meeting. Many local unions hold these regularly, so that the workers can be kept informed of union policy, while at the same time, the local can make sure that things are going smoothly in the department.

"In other mills department meetings are called whenever general grievances arise. In large mills, of course, the departmental meeting is the only way to reach the great majority of the workers, and as much attention should be paid to them as to the general meeting.

"But whether he does it through the department meeting or not, every



steward should be sure to consult all of the workers involved whenever a group grievance arises.

"One more caution. No matter how good you think the grievance is don't make foolish promises about how soon you are going to settle it, and how good the settlement will be. It is always better to have a fellow worker pleased at winning something he has not been promised than to have him disappointed and angry because he has lost a case that we told him was easy to win."

#### PRESENTATION OF THE CASE

"With the grievance written out and all the facts at hand the steward is ready to go to work. Here are some general rules which have helped others, and will probably help you:

- "1. Argue the case intelligently, keeping to the point.
- "2. Don't get excited.
- "3. Don't show less respect for the foreman than you want him to show you. On the other hand don't let him show less respect for you than you give him. Remember that you are meeting as equals concerned with the settlement of a common problem.
- "4. Don't permit delays of any sort in the handling of grievances, particularly in the lower stages. There are many problems, such as work loads and wages, over which foremen and supervisors have very little authority, yet the grievances must go through them before going to higher management.
- "5. Settle as many grievances as possible in the lower stages of the grievance machinery. This aids in getting rapid settlement, and builds up a better relationship between the union and the departmental supervisors. A superintendent hesitates to overrule a foreman, even when he is definitely in the wrong.
- "6. Maintain the union position, unless it is proven wrong. If the department head's answer is unsatisfactory, push the grievance right on up into the next stage of the procedure as provided for in the contract.
- "7. Don't try to bluff cases through. It may work once or twice but once the company understands, it will probably refuse to settle even the good cases. A reputation for honesty is worth having. Remember that every grievance is a potential case for arbitration, and we must handle it in that fashion.

#### MANAGEMENT NEEDS EDUCATION, TOO

"The handling of a grievance is almost as important as the merit of the case itself. Poor handling means lost cases. If we argue intelligently from the facts, and in a reasonable manner, we will best represent our fellow workers.

"When we are dealing with department heads in newly organized plants, we must remember that they have for years run their departments without any interference from below, and usually with very little from above, so long as they kept production going.



"These company representatives are not used to having their decisions challenged by workers. When they fire a man, for example, they expect it to stick, no matter how unjust the action may be. Many of them feel that any challenge to the justice or wisdom of their actions is a personal insult.

"When this attitude is met, the union, and particularly the shop steward, has an educational job to do, the task of teaching the company collective bargaining. While there may be some departmental foremen, and mill executives who will never learn, in most instances, a firm but intelligent handling of grievances will do much to make collective bargaining work."

"Name calling surely won't work, nor will heated arguments at which both the steward and the foreman lose their tempers. There may be some personal satisfaction in calling the boss a 'so and so', but the net result must be measured in terms of rapid settlement of grievances.

"Remember that the foreman is human, and treat him as such. Discover his likes and dislikes, and whenever possible avoid stepping on his toes. If he is a baseball fan it won't hurt to discuss baseball with him so that he can learn that you aren't such a bad guy after all.

"Remember, too, that the old adage 'honey catches more flies than vinegar,' has its application to collective bargaining. Politeness pays. Keep a reputation for calmness.

#### SETTLE WITH THE FOREMAN

"In some shops, particularly newly organized ones, the foremen are either afraid to settle grievances, or forbidden to settle them. Because the union is interested in getting a prompt settlement of grievances, and because most problems can best be handled by those most familiar with them, it is important to break down this practice, which in effect requires every grievance to go up to the top management of the mill before it can be adjusted and settled.

"Management must be educated to realize that prompt settlement of grievances is essential to the smooth running of the mill, and that the foreman who is able and willing to adjust complaints as they arise, will have the best operating department."

"While the good shop steward should avoid picking a fight with the foreman, he will be firm in his handling of the case. He will of course listen to the company arguments, but will not permit himself to be scared or bluffed out of carrying through a grievance.

#### STICK TO THE POINT

"Nor will he permit the foreman to draw him into arguments which have no bearing on the case. Many women are now being placed upon jobs formerly held by men. The union is interested in maintaining wage standards and insists that the principle of equal pay for equal work shall apply. Any company argument that women don't need as much money as men because men are heads of families should be ignored, or met with the reply that it has nothing to do with the case.

"A similar instance might arise when debating with the company about the rate on a new item. The company might try to side-track the discussion into



complaints about absenteeism, so as to put the union in the wrong. Don't let this happen to you. Absenteeism may be wrong, but it has nothing to do with pay rates.

"In the handling of a grievance it is sometimes important to be a good listener. You expect management to permit the union to present its full story, and so must give management the same opportunity, even though it may seem to you that much of what is said is of little importance or has no bearing on the case. If you feel that you want to question some of the points that have been made, take notes so that you can refer to them when your turn comes.

"You will, of course, have notes of your own, to aid you in presenting your own argument. These notes, containing the main arguments you wish to make will also aid you in keeping to the point, even though management may have strayed far from it.

#### THE COMMITTEE MUST PLAN, TOO

"A shop committee trying to settle a case with management should know exactly what it wants. It should meet before the conference to go over every grievance and plan arguments it will present.

"Whenever possible the committee will try to anticipate the arguments which will be made against the union position so that they can be best answered, and will consider the alternative proposals which may be made to settle the case.

"In every case the committee will be sure that it acts as a united body when arguing the case. Nothing can hurt the union position more than to have the members of a shop committee argue among themselves during a conference as to the proper settlement of a case.

"Employer representatives know this, and oftentimes try to 'work out' on those they believe to be weak committee members, so as to break down the union's solidarity.

"There will of course be differences of opinion within a committee, but these should never be expressed in front of management. If an alternative proposal made by management seems to be desirable to some of the members of the committee, they should recess the meeting to discuss it among themselves, rather than openly argue for it before management.

"The solidarity of the union position must be maintained if the union is to be effective, and the will of the majority of the committee should determine the position which the group adopts while in conference with the employer. Those who differ with the position of the majority only hurt the union when they express this difference in the presence of management.

#### AVOID DELAYS

"One more caution against delay in the handling of grievances. Each union member has the right to feel that his grievance is being dealt with as rapidly as possible.

"Under no circumstances therefore will the union do anything which will delay the settlement of a grievance. Nor should it agree to company tactics



which promote such delays.

"A common company report on a grievance is that the matter requires study or investigation. Except in cases involving work loads or wages this 'study' should seldom require more than a day or so. This can be given between the filing of the written grievance with mill management, and the meeting between management and the shop committee.

"However some wage and work load grievances do require more extended survey than this, and may even involve the services of the union research department to check the company's claims. In such instances the shop committee will protect the interests of the membership by insisting that the final decision be retroactive to the date the problem was raised.

"It is well to point out at this point, too, that every decision of an employer on a grievance, and every understanding between the union committee and the employer should be placed in writing.

"Decisions by employers, even unsatisfactory ones, should be signed as a matter of record. Mutual understandings between the union and the employer should be signed by both parties. The reasons for this are too obvious to need stressing.

#### SAFETY AND HEALTH

"Somewhere way down in the sixth paragraph of page five of the contract will be a section which reads something like this: 'The employer agrees to provide sanitary and safe working conditions for the employees covered by this contract.'

"This may mean anything in the employer's mind from hanging a tin cup in front of a water faucet to buying a \$3,000 water cooler. It may mean lockers for clothing or it may mean a dressing room that is not much larger than a barrel and has much the same appearance.

"A good steward doesn't need a grievance slip when conditions are bad. It is his job to get after management and make that provision in the contract mean something. Make it mean decent sanitary conditions. Make it mean sufficient lighting in the mill. Make it mean a place to keep one's clothing. These conditions add to mill efficiency as well as the workers' welfare.

"Then, too, there will be the matter of safety. Most employers have learned to watch out for accidents through the good offices of the insurance company which increases the premium if they don't provide safe conditions. But some people just don't learn. And in such a case it is the shop steward's job to see to it that the worker's life and limb are not in danger.

"Workers, too, oftentimes need to be reminded to watch out for their own safety. Some of them will expose themselves to danger by disregarding safety devices and rules.

"A shop safety committee, which regularly inspects conditions in the plant can do a double job of keeping management up to snuff, and at the same time educating workers on safety precautions. There are movies, posters, and leaflets available to aid any safety campaign.



LEADERSHIP IN THE SHOP

"Even the best shop steward, who prepares every grievance as though he were a lawyer, and can out talk the foreman with ease, will get little results unless he has the workers behind him. And it's the steward's job to see to it that they are behind him.

"This means first of all, that they must be union members. No union can bargain effectively if half the workers are union members and half are not. Neither can a union do a real job or a steward have real prestige if only a part of the workers pay their dues regularly.

"To be strong, the union must have full membership and that membership must be paid up to date in dues. So it is the steward's job to see that every worker in the part of the plant he represents is a member of the union and that every union member is paid up to date.

"Each steward has to be on his toes these days, if he is going to maintain 100% union membership in his department. He must keep track of the new workers as they come in. He must see to it that they get the story of what the union has accomplished in the shop, and why it is to their benefit and to the benefit of all workers in the mill, if they join the Rodo Kuniai.

"In large departments the steward may have some assistants who will concentrate on this job. Everyone of us knows how important it is.

"In the mill where the union has finally arranged for a check-off it is the steward's job to see that every worker in his section is signed on such a card. This method of dues collection is the best for the worker and for the union.

"The worker is always paid up in his dues without constantly worrying about who or where to pay. The union is assured of a steady income with which to carry on its activities for the members. By doing his duty in getting these cards signed up the steward is making his union strong and better able to bring the boss into line.

"Each steward must have a supply of application cards ready so that he can sign up new members. When he is collecting dues or initiation fees, the steward should also carry a small receipt book out of which he can give receipts to the members as they pay.

"It is the steward's duty to get these new member's cards, the initiation fee, and the dues into the financial secretary's hands as soon as possible.

UNDERSTANDING IS IMPORTANT

"Carrying a union card doesn't make a man or woman a good union member, as many of us have learned through sad experience. The union cannot expect the full support of the workers in the mill for its program unless they understand what it's all about. As the best informed union member in the department, it's the steward's job to see to it that they have that understanding.

"He should be prepared to answer questions about both the local and national union policies and to explain how the union works.



"To do this he will have to keep himself informed by a careful reading of his union paper, if there is one, the union leaflets and other labor literature. When he comes across a good pamphlet he will pass it around the department. He will check to see whether all the workers in the department are getting the union paper.

"The shop steward who gets his people out to union meetings is doing both himself and the union a big favor. The member who attends meetings understands what the union is all about and will help the steward in his work. The more he understands about the union, the better a union member he will be. It's at the meeting that the member finds out where his dues go, who the officers are, what the union is doing.

"So the steward has the job of getting his members out to union meetings. That means more than just posting a notice, or calling out 'Hey Joe, are you coming to the meeting tonight?' Both of these are important, but a good steward will take the time to talk to those who have not been attending, and pep them up. He will do his best, too, to make the meetings interesting so that there will be no excuse to stay away.

"Because he is effective only as the representative of the workers, the good shop steward will always keep their welfare foremost in his mind. He will never assume the position of impartial arbitrator between the workers and the management, but will argue for the workers' rights just as he expects the foreman to argue for the company.

"The steward who loses the confidence of the workers in his department, soon loses his value to the union.

"In order to keep that confidence he must consult with them regularly through departmental meetings, and report to them on the results of his activities. Such action will tend to remove any friction that may have developed in the department.

"At departmental meetings too, the shop steward can use his greater experience in the labor movement to guide his membership to a militant, progressive policy; and fight the poor spirit which leads to a breakdown of union conditions in the mill.

#### A VITAL LINK

"No one knows the workers better than the steward who works with them. The steward knows how the workers around him feel about the union; knows what they think of their union officers; knows what they would like to have the union do for them.

"He can be the vital link between the union membership in the mill, and its central office. For only as the union representatives know what the members want can they give the best service.

"When there is a complaint about meetings being too long, or circulars being out of date, or grievances dragging too long, the steward should immediately report it.

"Only in this way can there be that contact between union leadership and membership which is essential for the democratic functioning of the union.



"A shop steward who keeps on the job can do more than a dozen organizers to keep the union strong and effective.

IN CONCLUSION

"So we've gone through the list of your duties as a shop steward. We have seen that you:

- "1. Handle all grievances which arise in your department.
- "2. Maintain sanitary and safe working conditions.
- "3. Maintain 100 per cent union membership in your department.
- "4. Get your workers to come to meetings, and otherwise educate them in union problems.
- "5. Serve as an invaluable link between the union officers and the members in the plant.

"If you have read this pamphlet carefully you will recall that we have suggested that you should have certain information to help you do your job properly. For convenience, let's list it again:

- "1. The names and addresses of the workers in your department.
- "2. The rate of pay for each operation in your department, whether they be hourly rates, piece rates, or based upon an incentive bonus system.
- "3. The earnings of workers in the department.
- "4. Production on each operation, wherever possible.
- "5. A copy of the contract.
- "6. Copies of the union national constitution and your local union constitution and by-laws.
- "7. A supply of grievance slips, with carbon paper to make duplicates.
- "8. A supply of membership applications and checkoff cards, if these are used in your mill.

"With these tools any worker who is interested in the union can be a good shop steward. It doesn't take a university degree at all, as some people seem to think. As a matter of fact a worker with a primary school education and a little common sense will make a better steward than most of the products of our country's universities.

"The story is told of a worker who walked into a union headquarters one day saying,

"'You know, I was afraid to take the steward's job at first. I thought it took a lot of education, which I didn't have.

"'Finally I agreed to try it. Now everyone says that I'm going a good job. It's funny, isn't it?'



"Of course it wasn't funny at all. That steward had learned that common sense, courage, and a real love for the union were all he needed to do a good job. Any one of us who tackles the job in that spirit can do as well."

#### EDUCATIONAL ACTIVITIES

When a shop steward system first gets underway in a plant, it is the duty of the local union education director to attend every meeting of the shop committee (when the stewards meet each week) and begin by giving them a short 15-minute talk, week by week. The education director can divide the shop steward manual into four or five parts, and give them a short lecture on each part, following this up with questions to the shop stewards in order to make sure that they understand every principle.

Next, the education director will take up the contract with the company, analyze, and explain it to the shop stewards, again explaining the points by asking intelligent questions.

Finally, the education director can drive home the whole idea of the shop steward and collective bargaining by at random selecting two shop stewards at a meeting. They are called to the front of the group. For example, the education director of the local union says:

"Sato San, you will be the foreman. Your company is not making very much money, and has given you orders to refuse any grievance which will involve spending any additional Yen at this time."

"Watanabe San, you will be a shop steward. One of the workers in your department, the machine shop, complains that many of the workers and himself are being cut and injured by a lack of safety devices. The worker has demanded certain minimum safety devices. You know that they will cost about ¥1,500 to install."

The education director then says, "Now, Sato San, and Watanabe San, you just play your parts. You, Sato San, argue as best as you can. You, Watanabe San, you think up enough arguments to win your case. Both of you play fair and do not go to extremes. But don't give in to the other fellow unless you feel he has really won the argument."

The first time the education director tries this technique of teaching day-to-day collective bargaining, it may not work so well. But as your shop stewards get the idea, you will find that they develop wonderful arguments, make speeches, and use their intelligence--whether they are playing shop steward or boss. In America, for instance, where unions use this technique, many workers who play the part of the boss will get excited and really try and fight the union side. From this argument, this clash of personalities and intelligence, both of the workers begin to understand the technique of collective bargaining.

And the shop stewards who are watching this little amateur geki will get as much benefit out of it as the players. If the actor loses his temper and calls the other man names, he will illustrate an important point: Never lose your temper.

If the union man playing the part of the boss can change the discussion



and get the union actor all snarled up on an entirely irrelevant issue, so much the better, for it will illustrate another important point: Don't lose sight of the argument--stick to the argument and avoid any irrelevant issues.

A few months of this sort of education, which is called "workshop" education because the workers reproduce actual conditions and act them out, the shop stewards will be ready to carry on actual collective bargaining in the plant.

But even then, the educational director of the local union has a very important job to perform with the shop stewards. He has to continue meeting with them every week. From time to time, he should ask them about the things they want to know--and prepare lectures on various topics in order to broaden the knowledge of the shop stewards. Some shop stewards will want to know how much money machinists in Osaka are paid for the same kind of work as in Sato San's plant. Another will want to know about safety precautions. Another shop steward will ask for full information on the impartial umpire system. In all cases, it is the job of the education director to keep them informed, to carry on research work, and be the servant of the workers in the plant, especially the shop steward.

That is why in America and Great Britain, there are usually only three full-time paid employees of the union:

1. The President of the Rodo Kumiai
2. The Clerk of the Rodo Kumiai
3. The Educational Director of the Rodo Kumiai.

The President is employed and paid by the union full time in order to give him complete liberty in moving about the plant, in attending union meetings, Ken conferences, and national conferences, and in sitting in on all shop steward and plant bargaining council meetings.

The clerk of the union will usually be employed in maintaining the records of the union, keeping the union office open, and answering union correspondence. The clerk will also take charge of mimeographing or printing rodo kumiai leaflets and the local union newspaper or bulletin.

And the educational director is employed full time in order that he can have time to prepare for night classes for the workers, so that he can write the leaflets for the clerk to mimeograph, in order that he can prepare the material for the rodo kumiai shinbun, and in order that he can prepare himself to deliver intelligent and useful lectures at the weekly shop steward meetings. He, also, will attend Ken conferences, will work on all sorts of educational projects--he will start a union library in the union office, he will clip important articles from the various national Japanese newspaper, and call them to the attention of the shop stewards. He will study the decisions of the Ken Rodo Iin Kai as well as the Central Rodo Iin Kai, and any which may apply to his plant will then be read at the shop stewards weekly meeting and discussed.

The shop steward is the vital link between the workers in the shop and the union. But their strength and their activity is largely a result of the intelligent work and energy of the local union education director. If they work closely together, it will not be long before the shop stewards--perhaps none of them more than primary school men and women--the shop stewards will



know as much about their plant as the manager or the chief engineer.

SUGGESTED READING

If you want to know more about the shop steward system and collective bargaining techniques, read one or more of these books which will be found in the C.I. & E. Library in Tokyo--open daily for Japanese only.

GOLDEN, Clinton            THE DYNAMICS OF INDUSTRIAL DEMOCRACY  
331 - G

MILLIS, Harry            HOW COLLECTIVE BARGAINING WORKS  
331.88

You will also find several pamphlets on collective bargaining in the pamphlet section of the library. Ask the librarian for a list of the pamphlets on collective bargaining.

CONTRACT PROVISIONS

Each Japanese trade union that adopts the shop steward system will find out that a certain form for this system will best fit its own particular shop conditions. With a view to illustrating the various applications of the system, and illustrating grievance machinery in general, we are listing herewith some contract clauses from various American trade unions which deal with grievance machinery.

Master Agreement between the Pacific Coast Shipbuilders and the Metal Trades Department of the American Federation of Labor, Signed 23rd April, 1941, at Seattle, Washington.

Par. 18--Grievances and Complaints

"All grievances or complaints not settled by mutual agreement must be reduced to writing and filed with the Employer through the Union's representative within fifteen (15) days, if possible, but in no event later than thirty (30) days after the pay day following the occurrence causing the complaint or grievance. Any grievance or complaint not so filed shall be deemed to have been waived and shall not be entitled to consideration. When grievances cannot be settled with the Foreman in charge, they shall be taken up with the Management by the Business Representative and Shop Committee representing the Union having the grievance. If they are not adjusted between them, the Metal Trades Council shall attempt to adjust the matter with Management. If this fails, the services of the United States Conciliation Service, Department of Labor, shall be speedily secured. Should no agreement be reached, arbitration should be resorted to as hereinafter stated."

Par. 19--Arbitration of Dispute

"In the event the parties shall be unable to adjust any grievance or dispute arising under this agreement, such grievance or dispute shall be referred to an Arbitration Committee consisting of one representative of the Employer, one representative of the local Metal Trades Council, and a third member to be chosen by these two. In the event the two arbiters designated by the parties shall be unable to agree upon the third arbiter within five (5) days, the Senior District Judge of the United States District Court of the district in



which the plant is located shall be requested to nominate one principal and four alternates, all of whom shall be impartial persons qualified to act as arbiters. Employer and the Council shall each have the choice of rejecting the names of two of the five nominees, and the remaining one fifth shall be selected as the third arbiter. In the event the same nominee shall be rejected by the both parties, leaving more than one nominee on the list, the one nearest the top of the list, as submitted by the District Judge shall act as the third arbiter. Any expense of arbitration shall be borne by and divided equally between the Unions and the Employer. The decision of a majority of the Arbitration Committee shall be final and binding upon the parties hereto. Such decision shall be within the scope and terms of this agreement, but shall not change any of its terms or conditions. The arbiters shall in their decision specify whether or not the decision is retroactive and the effective date thereto..."

Appalachian Joint Wage Agreement, United Mine Workers of America,  
American Federation of Labor,  
Signed 1 April 1941 at Washington, D. C.

Settlement of Disputes

"Should differences arise between the Mine Workers and the Operators as to the meaning and application of the provisions of this Agreement, or should differences arise about matters not specifically mentioned in this Agreement, or should any local trouble of any kind arise at any mine, there shall be no suspension of work on account of such differences, but an earnest effort shall be made to settle such differences immediately:

"First: Between the aggrieved party and the mine management;

"Second: Through the management of the mine and the Mine Committee (of the Union):

"Third, by a Board consisting of four members, two of whom shall be designated by the Mine Workers and two by the Operators.

"Should the Board fail to agree, the matter shall be referred to an umpire selected by said Board. Should the Board be unable to agree on the selection of an umpire, he shall be designated by the International President of the United Mine Workers of America and the President of the Operators' Association affected. The decision in any event of the umpire shall be final..."

"Pending the hearing of disputes, the Mine Workers shall not cease work because of any dispute; and a decision reached at any stage of the proceeding shall be binding on both parties hereto, and shall not be subject to reopening by any other party of either association except by mutual agreement.

"Expenses and salary incident to the service of an umpire shall be paid jointly by the Operators and the Mine Workers in each District."

Agreement between the San Francisco, Oakland Newspaper Guild,  
Local 52, American Newspaper Guild, C.I.O., and the Oakland Post Enquirer,  
San Francisco Call Bulletin, San Francisco Chronicle,  
San Francisco Examiner, and San Francisco News,  
Signed 27 January 1945 at San Francisco, California.

Section 11: Adjustment of Disputes



"A grievance committee, designated by the Guild, shall be established to settle amicably with the Publisher, or his representative, all grievances arising under this contract.

"In the event of failure to adjust the dispute, it shall, upon the motion of either party, be referred to the Executive Committee of the Guild and the Publisher or his authorized representatives in a further effort to settle the dispute.

"If the Executive Committee and the Publisher cannot reach mutual agreement within five (5) days (this time may be extended by mutual agreement) from the date on which a dispute is first considered by them, the two sides shall, upon motion of either side, appoint two (2) representatives each, to constitute a Board of Arbitration, and select a fifth member from the panel of three (3) arbitrators set up hereinafter, who shall act as Chairman of said Arbitration Board. In the event of a deadlock in the selection, the arbitrator shall be chosen by lot.

"The Board of Arbitration so formed shall proceed with all dispatch to settle the dispute. Rules of procedure shall be determined by the Board of Arbitration.

"It shall require the affirmative vote of a majority of the Board to decide the issues and, when signed by such majority, the decision shall be binding on the parties hereto. Any expense incurred jointly through arbitration shall be shared equally by the Publisher and the Guild.

"In case of a vacancy on the Arbitration Board from any cause, said vacancy shall be filled immediately by the appointment of a new member by the party in whose representation the vacancy occurs. Either party may at any time make substitution for either of its appointees on the Board of Arbitration.

"The panel of three (3) arbitrators herein shall be selected by agreement of the parties within thirty (30) days after the signing of this contract. If the panel of three (3) has not been completed within the time limit provided, the selection shall, upon the motion of either party, be made by....."

(Note: The name of the person is agreed upon by the union and the management. It is usual practice to name a judge, a college professor, or some other disinterested person who will be fair and impartial to both management and the trade union concerned.)

Labor Agreement between the Arizona General Contractors and the American Federation of Labor Building and Construction Trades Unions,  
Signed 1 May 1943 at Phoenix, Arizona.

Section V--Procedure for the Settlement of Grievances and Disputes

"(a) That the Unions shall appoint a working employee as Craft Job Steward on each job, whose duty it will be to receive all grievances or disputes from employees and adjust them with the superintendent in charge of the job or other designated contractor's representative. The Job Steward shall not be discriminated against in any manner by the company or his agents because of or on account of his activities in presenting and adjusting grievances or disputes.



"(b) That the settlement or adjustment of any grievance or dispute by any Craft Job Steward or any Special Representative with any Superintendent or Contractor shall be limited to the particular contract on which it is made and shall not constitute a precedent for or against any Union or Employee, or any Contractor on the job.

"(c) That in the event said grievance or dispute is not satisfactorily settled by the employee or his representative and the Superintendent in charge within twenty-four hours from the time it is reported, it shall be referred to the business or special representative of the appropriate Union or Unions. Said business or special representatives shall then attempt to adjust said grievance or dispute with the Contractor performing the work. If said grievance or dispute is not satisfactorily settled by said business or special representative and the Contractor within three days from the date the grievance arose, it shall be referred to a Joint Labor-Management Committee which shall be composed of three representatives appointed by the Unions and three representatives appointed by the Contractors, provided, that a representative of the craft and a member of the construction firm involved in the controversy may represent his respective organization at the hearings. The said Joint Labor-Management Committee shall hear and review any grievance or dispute submitted to it and adjudicate the same. The decision of said Joint Labor-Management Committee shall require an affirmative vote of not less than four Committeemen, and shall be final and binding upon all parties to the agreement. In the event that the required vote of four Committeemen cannot be secured within three days after the submission of the said grievance or dispute to said Joint Labor-Management Committee, the six Committeemen shall select a seventh person who shall act as arbiter and all the parties hereto agree that the decisions that come from such arbitration shall be final and binding upon them. If within twenty-four hours after said Committeemen attempt to choose a seventh person to act as arbiter they are unable to agree upon such seventh person, the seventh person shall be chosen in the following manner:

"The local conciliator of the United States Department of Labor shall immediately be requested by said Committee to submit the names of five persons qualified to act as arbiters. When said list has been presented, the representatives of the Unions and the representatives of the Contractors shall each have the choice of rejecting the names of two of these five persons, the remaining fifth one shall be selected as the arbiter within twenty-four hours after submission of said list, and it shall be mandatory for said arbiter to render a decision within 48 hours thereafter unless an extension of time is mutually agreed to by the parties hereto. All disputes (not only employee grievances) between the parties regarding the interpretation or performance of any of the parties regarding the interpretation or performance of any of the terms or conditions of this Agreement shall be submitted to arbitration in the manner provided in this section.

"(d) That any expenses of arbitration shall be borne by and divided equally between the Unions and the Contractors..."



A POLICY STATEMENT ISSUED BY THE  
FAR EASTERN COMMISSION  
DECEMBER 1946

1. Japanese workers should be encouraged to form themselves into trade unions for the purpose of preserving and improving conditions of work, participating in industrial negotiations to this end, and otherwise assisting the legitimate trade union interests of workers, including organized participation in building up a peaceful and democratic Japan.
2. The right of trade unions and their members to organize for these purposes should be assured and protected by law. The freedom of workers to join trade unions should be provided for by law. All laws and regulations preventing trade unions achieving these objectives should be immediately abrogated. Employers should be forbidden to refuse employment to, or discriminate against, a worker because he is a member of a trade union.
3. Trade unions should have the right of free assembly, speech and the press, and access to broadcasting facilities on a non-discriminatory basis, provided only that such assembly, speech or writing does not directly interfere with the interests of the occupation.
4. Trade unions should be encouraged to negotiate with the employers on behalf of their members regarding terms and conditions of employment. The Japanese Government should establish mediation and arbitration machinery for dealing with industrial disputes that cannot be settled by direct and voluntary negotiation between the worker and his representative and the employer. The mediation and arbitration machinery should operate under conditions assuring the protection of the interests of the workers, and if employers are represented on the machinery, trade unions should be given equal representation.
5. Strikes and other work stoppages should be prohibited only when the occupation authorities consider that such stoppages would directly prejudice the objectives or needs of the occupation.
6. Trade unions should be allowed to take part in political activities and to support political parties.
7. Where practicable, and while not interfering with their normal operations, trade unions and their officials should take an active part in the process of democratization of Japan and should be encouraged to participate in measures taken to achieve the objectives of the occupation such as elimination of militaristic and monopolistic practices, and the democratic reconstruction and development of a peaceful Japan.
8. Trade unions should be encouraged to promote adult education and an understanding of democratic processes and of trade union practices and aims among their members. The Japanese Government should as far as possible assist trade union officials in obtaining information on trade union activities in other countries. These objectives should be given due weight when allocations



## PRINCIPLES FOR JAPANESE TRADE UNIONS (Cont'd)

of paper supplies and imports of foreign publications are made.

9. The Japanese should be free to choose the form of organization of their unions, whether on a craft, industry, company, factory or territorial basis. Emphasis should be placed on the importance of a solid local basis for future trade union activity in Japan. However, unions should be allowed to form federations or other groupings, for example in the same area or in related industries or on a nationwide basis.

10. The formation of trade unions should be a process of democratic self-expression and initiative, proceeding from the workers themselves. Employers should not be allowed to take part in the organization or conduct of unions or to finance them.

11. Trade union officials and standing committees should be elected by the workers concerned by secret ballot and democratic methods. It should be the responsibility of the unions to ensure that all officials have been democratically elected at regular stated intervals and that all their activities are democratically conducted.

12. No person who is subject to the purge directive of 4 January 1946, or to subsequent purge directives, should be allowed to hold office in a trade union. All persons who were directly connected in the past in a responsible capacity with the obstruction or repression of trade union organization or activity should be prohibited from employment as union officials, in labor agencies, or as mediators, conciliators, or arbitrators. All persons who held office in government-sponsored or controlled trade unions should be subject to screening before being allowed to take office again.

13. Japanese Government and other agencies which were set up or functioned for the purpose of obstructing, or in such a way as to obstruct free labor organization and legitimate trade union activities, should be abolished or their powers in respect to labor revoked. No police or other government agencies should be employed in spying on workers, breaking strikes, or suppressing legitimate union activities.

14. Any undemocratic workers' organizations or their affiliates, such as the Patriotic Industrial Associations, should be dissolved and not allowed to revive. No new workers' organizations with militaristic, ultra-nationalistic, fascist, or other totalitarian aims should be permitted.

15. Persons who have been imprisoned because of activity or dangerous thoughts in connection with trade unions and other labor organizations should be released.

16. The balance sheet and table of income and expenditure of each trade union showing also the source of large contributions should be available for public inspection. Safeguards such as annual audit by a professionally competent auditor appointed by the members should be taken to ensure the accuracy of these statements.



Orientation Lectures  
on  
Labor Relations Legislation and Agencies

To be presented to the Central Labor Rel  
and  
Prefectural Labor Relations Committees  
in the Tokyo Area

VI. NATIONAL LABOR RELATIONS BOARD  
ORDERS AND ADMINISTRATIVE PROCEDURES

Presented 27 December 1946

Prepared by  
John R. Harold  
Labor Relations Officer

ECONOMIC AND SCIENTIFIC SECTION  
LABOR DIVISION  
GHQ

RELEASED FOR PUBLICATION



VI. NATIONAL LABOR RELATIONS BOARD ORDERS  
AND ENFORCEMENT PROCEDURES

We have considered so far in these lectures the following:

1. The Purpose of the National Labor Relations Act.
2. The Procedures and Functions of the National Labor Relations Board.
3. Unfair Labor Practices (Employer Discrimination).
4. Company-dominated, Puppet Unions.
5. Representation Proceedings.

It is appropriate that we close this series on the National Labor Relations Act with a discussion of the method whereby the conclusions that are reached by the National Labor Relations Board are enforced.

Background

In the depression days in America, we established a National Industrial Recovery Administration. Industry codes were established providing for minimum wages, fixed prices and other conditions. Section 7(a) of this National Industrial Recovery Act under which these codes were established provided for the protection of the right of the worker to organize and forbid the employer from discriminating against the worker in this respect. A National Labor Board was created at that time to enforce the provisions of this section. It is interesting to note, however, that the findings of this National Labor Board were only made in the form of recommendations. Prosecutions against employers for violations of the provisions of Section 7(a) were handled by the Department of Justice, which on its own initiative determined whether to prosecute the employer or not. If it decided to prosecute, the case was tried de novo (that is, from the very beginning) even though there may have been extensive hearings before the National Labor Board.

This Labor Board had somewhat the same power as the present Japanese Labor Relations Committees - the power to recommend. The prosecution rested with the Department of Justice and this again presents a startling similarity to present Japanese procedures where, on the "request" of the Japanese Labor Relations Committee, the local procurator may prosecute.

Considerations

Our Congressional committees in 1935, when examining this law and the then proposed Wagner Act (present National Labor Relations Act), considered the weakness of these enforcement procedures. The Senate committee report stated the problem as follows:

"The present National Labor Board, which is the primary agency entrusted with the safeguarding of Section 7(a), has no quasi-judicial power. It must seek enforcement through reference to the Department of Justice. Since the Board has no power of subpoena, ex-



cept in connection with elections, the records which it builds up are based in many cases upon the testimony of complainants alone, supplemented at best by the testimony of such witnesses as the defendants voluntarily present. This makes it necessary for the Department of Justice, in any event, to make further investigations before bringing suit in court, and if suit is brought at all, it must commence entirely de novo in court, with the defendant having 30 days to answer, or moving to dismiss, or applying for a bill of particulars. Thus is defeated the very purpose of an administrative agency, which is to provide specialized treatment of the factual aspects of a specialized type of controversy."

There was considerable enthusiasm in America in the early days of the National Industrial Recovery Act for voluntary compliance with the decisions of the National Labor Board. It was able by persuasion rather than legal sanction to accomplish a good deal in the interpretation and application of the law. Resistance to the Law gradually stiffened on the part of some employers, however, as the National Labor Board, by a series of interpretations of Section 7(a), emphasized:

1. That it was illegal for an employer to discharge or discriminate in any way against an employee because of his union affiliation or activities;
2. That an employer must not interfere with the free organization of employees by foisting upon them a plant organization or a company union which the employer might think best for them;
3. That an employer must bargain collectively with the chosen representatives of his employees even though such representatives may be an "outside" affiliated union; and
4. That the representative chosen by the majority of the employees in an appropriate unit is entitled to speak for all the employees in that unit in collective bargaining negotiations with the employer.

#### Change

Congress believed that labor relations was a highly specialized field and could be best understood and administered by persons who themselves were specialists in that field. Congress felt that the members of the National Labor Board were the persons best fitted to administer the National Labor Relations Act and that it would serve the purpose of the law best if this administrative agency was given adequate power to fully accomplish its mission.

The Law was therefore changed in the present Wagner Act, which, in pertinent part, now reads as follows:

"The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If, upon all the testimony taken, the Board shall be of the opinion that any person named in the complaint has engaged in



or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If, upon all the testimony taken, the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

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"The Board shall have power to petition any circuit court of appeals of the United States wherein the unfair labor practice in question occurred or where in such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts if, supported by evidence, shall be conclusive. . . . The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States..."

The procedure therefore is for the record of trial and the decision of the National Labor Relations Board to be filed in a federal court which itself will issue an order compelling compliance with the original order of the National Labor Relations Board. This is simply stated but for the purpose of these preliminary lectures it will suffice.

Before the question comes to the court for enforcement, however, the National Labor Relations Board makes its own orders. These orders will seek to remedy instances of employer interference or discrimination. They may seek to prevent the continued existence of a company-dominated, puppet union. They may provide for an election among the workers of an appropriate unit to see whether these workers want a union or no union, or which of two



unions to represent them. Let us examine a few such orders.

Problem 1

Factors Involved

1. A puppet union.
2. A labor agreement with a puppet union.
3. Employer discrimination.
4. Discriminatory discharge.

Order of the Labor Relations Committee

"Board orders and company agrees to completely disestablish Hudson Wire Co. Employees Union as representative of any employees, and cease giving effect to November 29, 1945 agreement with that union; cease and desist from discouraging membership in United Electrical, Radio & Machine Wkrs. of America, CIO, or from in any other manner interfering with, restraining, or coercing employees in their self-organizational rights; offer one employee immediate reinstatement with back pay; and post compliance notices for 60 days."

Discussion

In the above decision it is seen that the United Electrical, Radio & Machine Workers of America, CIO, petitioned the Board, claiming that the employer was discriminating against the workers because they sought to join the CIO. The employer had discharged one employee. There was also involved an independent unaffiliated union, the Hudson Wire Company Employees' Union, which the Board found to be a company-dominated union. There was also a contract between the employer and this company-dominated union.

Therefore, in order to achieve the purposes of the Act, the Board ordered the following:

1. That the company-dominated union be disestablished.
2. That the employer cease to give effect to the labor agreement signed with the company-dominated, puppet union.
3. That the employer cease and desist from discouraging membership in the CIO union.
4. That the employer immediately reinstate the discharged employee who had been discharged for his organizational activity.
5. That the employer post on the bulletin board in his factory notice of compliance with the above provisions, so that all the workers in the plant would again know that they were free to organize as they saw fit without interference by the employer.

Problem 2

Factors Involved

1. Employer interference in union affairs.



## 2. Discriminatory discharge.

Order of the Labor Relations Committee

"Board orders company to cease and desist from interfering with, restraining, or coercing employees in their self-organizational rights, to form labor organizations, to join or assist International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, CIO, or any other labor organization; delete from personnel record questionnaire the question concerning union affiliation; and post compliance notices for 60 days.

"At the same time, Board dismisses complaint insofar as it alleges company discharged one employee discriminatorily."

Discussion

In this case the employer had been interfering with the right of the workers to organize into a union of their own choosing. He had further discharged a worker, but the labor Board had found in this case that the discharge was not because of the worker's union activity. The employer had also required the employees in a personnel record questionnaire that they state any union affiliation they might have. The labor Board found this to be one type of employer interference.

In order to accomplish the purposes of the Act, the Board ordered the following:

1. That the employer cease and desist from interfering in the rights of the workers to organize in a union of their choosing.
2. Delete from the personnel record questionnaire any question concerning union affiliation.
3. Post on the employer's bulletin board a notice of compliance for 60 days.

Problem 3Factors Involved

1. Company-dominated, puppet union.
2. A labor agreement with the company-dominated, puppet union.
3. Employer interference.
4. Discriminatory discharge.

Order of the Labor Relations Committee

"Board orders and company agrees to completely disestablish Independent Aircraft Workers' Union as representative of any employees, and cease and



desist from discouraging membership in International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-CIO); or from in any other manner interfering with, restraining, or coercing employees in their self-organizational rights; offer 8 employees immediate reinstatement with back pay; and post compliance notices for 60 days.

"at the same time, Board dismisses complaint insofar as it alleges that company discriminated in regard to hire and tenure of employment of 5 other employees."

#### Discussion

In this case there was an independent, unaffiliated union, the Independent Aircraft Workers Union. This union had a contract with the employer. The International Union, United Automobile, Aircraft & Agricultural Implement Workers of America (CIO) was trying to organize the workers in this factory. The employer had discharged 13 employees. The CIO union contended that all 13 discharges were because of the workers' union activity. The Labor Board found that the employer had interfered with union activities. The Labor Board found that 8 of the 13 employees were discharged for union activity and that 5 were not so discharged.

In order to accomplish the purposes of the act, the Labor Board ordered as follows:

1. That the company-dominated, puppet union be disestablished.
2. That the labor agreement between the employer and the company-dominated union be declared void.
3. That the employer cease and desist from interfering in the right of the workers to organize in a union of their own choosing.
4. That the employer immediately reinstate, with back pay, the 8 employees discriminatorily discharged.
5. That notice of compliance of the above orders be posted on the employer's factory bulletin board for 60 days.

#### Problem 4

#### Factors Involved

1. a company-dominated, puppet union.
2. a labor agreement with a company-dominated, puppet union.
3. Employer interference with the right of the workers to organize into unions of their own choosing.
4. Discriminatory discharges.



Order of the Labor Relations Committee

"Board orders company to bargain collectively, upon request, with Industrial Union of Marine and Shipbuilding Workers of America, CIO, as exclusive representative of its production and maintenance employees at the company's Brambleton and Berkley yards; withdraw and withhold all recognition from Employees' Protective Association as representative of any employees for collective bargaining purposes, and cease and desist from giving effect to any agreement with that association; cease and desist from in any other manner interfering with, restraining or coercing employees in their self-organizational rights; offer 10 employees immediate reinstatement with back pay; and post compliance notices for 60 days.

"At the same time, Board orders complaint dismissed insofar as it alleges that the company discriminatorily discharged 4 other employees, discriminatorily laid off 3, that it discriminatorily discharged another employee for testifying in a Board proceeding, and that it discharged and refused to reinstate additional specified employees for engaging in concerted activities. In addition, Board dismisses allegations of the complaint which charged that the company dominated the formation and administration of Employees' Protective Association."

Discussion

In this case the Industrial Union of Marine and Shipbuilding Workers of America sought to organize the production and maintenance employees of the employer. The union claimed that the Employees' Protective Association was a company-dominated union. The union claimed that the employer had interfered in their efforts to organize the workers. The union claimed that the employer had discriminatorily discharged 14 employees, discriminatorily laid off three employees, and that the employer had discharged one employee for testifying at the Board proceedings.

The Labor Board found that only ten of the employees had been discriminatorily discharged. The Labor Board found that the Employees' Protective Association was not a company-dominated union. The Labor Board concluded, however, that the Employees' Protective Association did not represent a majority of the employees at the time it signed a contract with the employer. The Labor Board therefore invalidated the contract.

In order to accomplish the purposes of the act, the Board ordered the following:

1. That the employer must bargain collectively with the Industrial Union of Marine and Shipbuilding Workers of America, CIO, as exclusive representatives of its production and maintenance employees at the company's Brambleton and Berkley yards.
2. That the employer cease to recognize the Employees' Protective Association as the bargaining representative of the workers in the same unit.



3. That the employer cease and desist from giving effect to any labor agreement with the Employees' Protective Association.

4. That the employer cease and desist from interfering in any manner with the right of the workers to join a union of their own choosing.

5. That the employer immediately reinstate with back pay ten workers discriminatorily discharged.

6. That the employer post notices of his compliance with these orders on the factory bulletin board for 60 days.

#### Problem 5

#### Factors Involved

1. a company-dominated, puppet union.
2. Employer interference.

#### Order of the Labor Relations Committee

"Board orders company to cease and desist from interrogating its employees in any manner concerning their union membership or activities; from coercing its employees in the exercise of their right to self-organization by threatening them with economic reprisals; and post compliance notices for 60 days.

"At the same time, Board orders complaint dismissed insofar as it alleges that company dominated and interfered with the formation and administration of Telephone Employees Association, and that it discriminatorily discharged 3 employees."

#### Discussion

In this case the employer interfered with the right of the workers to organize into unions of their own choosing by intimidating employees concerning their affiliation. The employer threatened economic reprisals against the workers for joining a union and in other ways sought to coerce their workers in their free choice of a union. The petitioning union had claimed that the Telephone Employees Association was a company-dominated, puppet union, but the Board found otherwise. The petitioning union claimed that 3 employees were discriminatorily discharged, but the Board found that they were not so discharged.

In order to accomplish the purposes of the Act, the Board ordered as follows:

1. That the employer cease and desist from interrogating its employees in any manner concerning their union membership or activities.



2. That the employer cease and desist from coercing their employees in the exercise of their right to organize into unions of their own choosing.

3. That the employer cease and desist from threatening their workers with economic reprisals for joining unions of their own choosing.

4. That the employer post notices of compliance with the above orders on the factory bulletin board for 60 days.

#### Problem 6

#### Factors Involved

1. Employer interference.
2. Failure to reinstate workers who went on strike.
3. Failure to bargain.

#### Order of the Labor Relations Committee

"Board orders company to bargain collectively, upon request, with United Garment Workers of America, AFL, as exclusive representative of production employees, and if an understanding is reached, embody such understanding in a signed agreement; cease and desist from in any manner interfering with, restraining or coercing employees in their self-organizational rights; upon application offer to those employees who went on strike Nov. 5, 1945, immediate and full reinstatement to their former positions with back pay; and post compliance notices for 60 days."

#### Discussion

In this case the United Garment Workers Union of America, AFL, claimed to represent the majority of the production employees. The union claimed that the employer failed to bargain with them. The union claimed the employer was interfering in the right of the workers to organize into unions of their own choosing. The union claimed that the employer refused to reinstate workers who had gone on strike.

The Labor Board found that the United Garment Workers of America, AFL, did in fact represent the majority of the production employees, the appropriate bargaining unit. The Labor Board found that the employer had discriminated against the workers in their right to join unions of their own choosing. The Board further found that the workers went on strike because of the employer's interference in the right of the workers to organize in unions of their own choosing.

Three important points can be indicated by an analysis of the above case. In America an employer must bargain with the union that represents the majority of the workers in an appropriate unit. The Labor Board found



that the United Garment Workers of America, AFL, did in fact represent a majority of the workers in the appropriate unit and it therefore ordered the employer to bargain collectively.

The second important point is the rule that when an employer and a union have agreed on the terms and conditions of a labor agreement, that agreement must be reduced to writing.

The third important point is that when a strike is caused by the employer's violation of the law, by his discrimination or interference with the right of the workers to organize in unions of their own choosing, then the employer can be compelled to reinstate with back pay all workers who went on strike. In this case the Board found that the strike was caused by the employer's interference with the rights of the workers to organize.

In order to accomplish the purpose of the Act, the Labor Board ordered:

1. The employer must bargain collectively with the United Garment Workers Union of America since it represented a majority of the production employees.
2. That, if a contract is agreed to, that the employer must reduce it to writing.
3. That the employer must cease and desist from interfering in the rights of the workers to organize into unions of their own choosing.
4. That the employer must reinstate with back pay all strikers.

#### Problem 7

##### Factor Involved

1. Employer interference.

##### Order of the Labor Relations Committee

"Board orders company to cease and desist from compelling its workers during working time to listen to speeches relating to self-organization and the selection of a bargaining representative; promulgating or enforcing a rule prohibiting union solicitation on company premises during non-working time; engaging in surveillance of its employees' self-organizational activities upon behalf of United Automobile, Aircraft & Agricultural Implement Workers of America, CIO, or any other labor organization; to rescind immediately Shop Rule 6 insofar as it prohibits union solicitation on the company's premises during the employees' non-working time; and post compliance notices for 60 days.

"Board finds: The employees were compelled by the company to assemble at the plant during working time. The speeches were made on the premises



during working hours and were broadcast throughout the entire plant. The power and engines were shut down. All plant operations were suspended and employees were directed by the management, through some foremen and by the public address system, to assemble to listen to the speeches. (In the past, the employees have been addressed in the plant on such matters as the Community Chest, the Red Cross and bond drives; however, the addresses on such occasions had always been made during the regular lunch hour when employees were free to leave the plant.)"

#### Discussion

In this case the employer had compelled its workers to listen to employer's talks concerning the right of the workers to choose unions. The employer had also made and enforced a rule which prohibited the petitioning union from soliciting members on company premises during non-working time. The employer had also exercised surveillance over the workers in respect to their right to organize into unions of their own choosing.

The Labor Board has adopted a rule which is illustrated by this case. Work time is for work, but the employer in America is prohibited from preventing the unions from soliciting membership on the worker's free time even though the solicitation be done on company premises. The employer in this case not only sought to prohibit the union from organizing on non-working time, but itself sought to influence the employees by compelling them to listen to the employer's ideas concerning the choice of union on working time.

In order to accomplish the purposes of the act, the Board ordered:

1. The company to cease and desist from compelling its workers to listen to employer's speeches concerning the right of the workers to organize into unions of their own choosing.
2. To rescind and to cease enforcing a rule prohibiting union solicitation on company premises during non-working time.
3. To cease and desist from engaging in surveillance of the employees' right to organize into unions of their own choosing.

#### Probler 8

#### Factors Involved

1. Employer interference.
2. Representation election.

#### Order of the Labor Relations Committee

"Trial Examiner W. F. Webb recommends company rescind immediately Shop Operating Rule captioned "Outside Business" insofar as it prohibits union solicitation on company's premises during employees' non-working



time; cease and desist from compelling employees during working hours to listen to speeches relating to self-organization and the selection of a bargaining representative; from discriminating against United Paper Workers of America, CIO, or International Brotherhood of Pulp, Sulphite & Paper Mill Workers, AFL, by aiding and abetting employees in the preparation, circulation, or execution of anti-union petitions; or from in any other manner interfering with, restraining, or coercing employees in their self-organizational rights; and post compliance notices for 60 days.

"At the same time, Mr. Webb recommends that the June 6, 1946 Board election be vacated and set aside, finding that company interfered with the right of its employees to a free choice of a bargaining representative in an uncoerced election."

#### Discussion

In this case the employer again compelled employees to listen to speeches concerning the selection of a bargaining representative. The employer also had a Shop Operating Rule which prohibited union solicitation on company premises during employees' non-working time. The employer also had aided some of the workers in preparing and circulating anti-union literature in the factory.

The Trial Examiner who heard the facts in the case made the recommendations to the Labor Board that:

1. Employer cease and desist from compelling the workers to listen to speeches concerning their right to organize.
2. Employer rescind its Shop Operating Rule which forbid union solicitation on company premises during non-working time.
3. The employer cease discriminating against the United Paper Workers of America, CIO, and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, AFL.
4. The employer cease aiding and abetting employees in the preparation, circulation or execution of anti-union petitions.
5. The employer post on the factory bulletin board notice of compliance with the above orders.

#### Representation Proceedings

The National Labor Board, as we have seen from previous lectures, conducts secret elections where y workers are able to choose their bargaining unit for purposes of collective bargaining. The Labor Board issues an order directing that an election be held. We will now examine some of these orders.



Problem 9Factor Involved

1. appropriate unit.

Order of the Labor Relations Committee

"Elections within 30 days of Sept. 4.

"(1) Production and maintenance employees in tank department will vote for International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, AFL; for United Steelworkers of America, CIO; or for neither.

"(2) Production and maintenance employees in building department will vote for International Association of Bridge, Structural & Ornamental Iron Workers, Local 694, AFL; for United Steelworkers of America, CIO; or for neither.

"(3) Production and maintenance employees in machine shop will vote for International Association of Machinists, Local Lodge 120-F, District 37; for United Steelworkers of America, CIO; or for neither.

"(4) Remaining production and maintenance employees will vote for or against representation by United Steelworkers of America, CIO."

Discussion

We can see from the above case that the Labor Relations Committee determined that there should be the following appropriate units:

1. Production and maintenance employees in the tank department.
2. Production and maintenance employees in the building department.
3. Production and maintenance employees in the rest of the factory.

For unit one we had an AFL craft union and the United Steel Workers, CIO, contending that they both represented a majority of the workers. In appropriate unit two we had another craft union of the AFL and the United Steel Workers each contending that they were the bargaining representative for the majority of the employees in that unit. In the appropriate unit three, we again see another craft union of the AFL and the Steel Workers Union, CIO, again contending. In the fourth appropriate unit, all of the other production and maintenance employees, the CIO United Steel Workers was the only union seeking to represent the employees.

Here the Labor Board had first to determine what were the appropriate units for the purposes of collective bargaining and as was pointed out in