The curriculum was designed to provide a systematic way of instructing apprentices preparing for various trades in the area of industrial and labor relations which would provide the apprentice with working knowledge of employee-employer interaction and the processes involved. The core curriculum is developed in 10 learning modules which are self-contained instructional packages: (1) the role of American labor unions as representative of the worker, (2) union democracy and public policy—relations between unions and members, (3) the organization and staffing patterns of local unions, union finances, and decision-making processes, (4) highlights of American labor union history, (5) employer-employee union relations: individual or collective bargaining, (6) the law on collective bargaining, (7) collective bargaining—basic characteristics of the process, (8) negotiating labor-management agreements, (9) settling industrial and labor relations problems by arbitration, and (10) grievances and discipline—organizational justice. Each module contains information on educational objectives, course content, instructional suggestions, references, and background information. The objectives are based on expected terminal performance which the apprentice should exhibit at the end of the instruction. (Author/EC)
UNIT 4

LABOR RELATIONS

A CORE CURRICULUM FOR APPRENTICES
OF RELATED INSTRUCTION

INDUSTRIAL AND LABOR RELATIONS
Apprentice training is a systematic way of providing the skilled workers necessary to supply current and future employment demands. Related instruction is an integral part of a planned apprentice training program ranking in importance with the skills learned on the job. Related instruction provided to apprentices helps them better understand the trade and to know why things are done as well as how they are done.

A Core Curriculum of Related instruction for Apprentices was designed to provide relevant instruction to apprentices preparing for a variety of trades. It includes the general topics appropriate to all who will be taking their place in the national workforce. Therefore, presentation of related instruction to a mixed group of apprentices becomes a feasible and manageable activity which helps fulfill the legal requirement for this component of apprenticeship.

This Unit, Industrial and Labor Relations, is one of nine units that have been developed to provide the apprentice with working knowledge of employee-employer interaction and the processes involved. The objectives of each module are expressed in terms of expected terminal performances which each apprentice should exhibit as a result of instruction. This allows any apprentice who is able to accomplish the student objectives to move on to another module. The program provides flexibility for the development of instruction to meet the specific needs of a variety of apprentices with differing backgrounds and expectations.

The core curriculum is developed in major units or general topics. Modules within each unit are designed as self-contained instructional packages which can be selected for presentation to meet individual and program needs. The objectives of each module are expressed in terms of expected terminal performances which can be selected for presentation to meet individual and program needs. The core curriculum is developed in major units or general topics. Modules within each unit are designed as self-contained instructional packages which can be selected for presentation to meet individual and program needs.
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<td>How Are Local Unions Governed?</td>
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<td>15</td>
<td>Collective Bargaining: Basic Characteristics of the Process</td>
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</table>
WHAT ARE AMERICAN LABOR UNIONS AND WHY THEY EXIST

Explains American labor unions as organizations which represent workers through economic, political, and other actions.

OBJECTIVES

1. Differentiate between craft and industrial unions
2. Explain why people join unions
3. Identify reasons why people sometimes prefer not to join unions
4. Explain union policies on apprenticeship
5. Describe how unions are organized
6. Identify the major functions and activities of union organizations, including local, national, and international levels

REFERENCES


Beal, Edward, & Wickersham, Edward. *The practice of collective bargaining*. Homewood, Ill.: Richard D. Irwin, Inc., 1959. (Publication is out of print, may be available through local library.)


Types of Unions

<table>
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6

INSTRUCTIONAL SUGGESTIONS

Discuss with students the different types of unions that exist. Use examples that are familiar to the students. (Ref. C, pp. 49-59; Ref. E, pp. 2-10)

Discuss with students reasons people have for joining unions. Encourage students to express their points of view. (Ref. A, pp. 26-45; Ref. D, pp. 436-445; Ref. F.)

BACKGROUND INFORMATION

Craft unions draw their members from a particular trade and usually bargain with several employers. The craft union's function is to establish wage rates and working conditions and to provide job security for union members. The craft union bargains with all employers in a single area who employ people in that trade. As a result, a craft union bargains with an association of employers.

Bargaining Differences. A craft union bargains with an association of employers. In an industrial union bargaining with a single employer on behalf of all employees in a given area who employ people in that trade, membership is different. Craft union members are all engaged in a particular trade and work for several different employers. Industrial union members all work for the same employer but in various trades.

Membership Differences. Craft union members are all engaged in a particular trade and work for several different employers. Industrial union members all work for the same employer but in various trades. Craft unions have some influence in increasing wage rates and fringe benefits. Unions may have some influence in increasing wage rates and fringe benefits. In addition, through the union grievance procedure, workers' rights to overtime pay or other benefits are protected.

Originally the AFL represented craft unions. The CIO represented only industrial unions, while the AFL represented craft unions. Since the merger of the AFL and CIO, cooperation between craft and industrial unions has increased, strengthening both types. Craft unions have some influence in increasing wage rates and fringe benefits. Unions may have some influence in increasing wage rates and fringe benefits. In addition, through the union grievance procedure, workers' rights to overtime pay or other benefits are protected.

Craft unions particularly are instrumental in helping members find work. Both craft and industrial unions protect the worker from losing his job without just cause.

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Discuss with students reasons people have for not joining unions.

1. Discuss with students union apprenticeship policies (Ref. G, pp. 73-103)
2. Invite a union official and an employer to discuss union policies toward apprenticeship.
3. Discuss with students union policies on apprenticeship prior to 1930's.

BACKGROUND INFORMATION

One of the most important reasons for workers joining unions is because they feel as union members, they are represented in decisions which affect their jobs and that they are protected against capricious acts of their employers. Unions provide opportunities for workers to meet with and relate to coworkers.

Reasons for Not Joining Unions

- Psychological Security (2)
- Social Needs (2)
- Philosophical Disagreements
- Lack of Need for Union Protection
- Doubt About Attacking the Company
- Union Policies on Apprenticeship

The four original aims of traditional apprenticeship policies of unions included:

- Protecting the journeymen's wages from being undercut
- Assuring apprentices a good chance to learn the trade
- Assuring apprentices a reasonable rate of pay
- Preventing the trade from being flooded with too many journeymen.

Many workers view unions as organizations whose only purpose is to attack the company. If a worker feels that some company policies should be changed, he may fear retaliation by the company against him if he joins an attack on the company. Even if the worker feels that the company's policies are fair, he may wish to join an attack on the company if he feels that the company's policies are unfair. Some workers disagree philosophically with the whole concept of unionism. Others may disagree with particular union policies.
During the 1930's and 1940's (4) After 1950 (5)

Organization of Unions

Ways Workers Are Organized (S)

Factors Affecting How Unions Organize Workers (5) 

INSTRUCTIONAL SUGGESTIONS

Discuss with students the different ways workers may band together to form unions.

(Ref. A, pp. 36-44)

Show a film, such as "Local 100," to illustrate how a group of workers in one plant formed a union.

The film may be rented from the Audio-Visual Center, NYSSILR, Cornell U., Ithaca, N.Y. 14850.

Invite a union organizer to discuss how he attempts to organize workers into unions.

Invite a nonunion employer to discuss legal means he uses to prevent the workers from organizing.

BACKGROUND INFORMATION

The depression reduced the number of male, skilled workers from 6,200,000 in 1930 to 5,830,000 in 1940, and many unions took the policy of not training any new apprentices while so many journeymen were out of work.

World War II increased the need for skilled craftsmen to such an extent that many unions temporarily ignored rules about limiting the number of apprentices that could be trained.

Since World War II there has been a growing interest in apprenticeship training systems and apprentice-ship standards were set up throughout the country. Unions especially have been trying to attract the best people to their programs, and train the number of journeymen they predict they will need in the future.

Workers in a plant can either organize themselves into unions or be trained as journeymen in the company's own apprenticeship program. The union organizer can get into the life of the community and be seen as a friendly, interested, and helpful organizer. Many workers are reluctant to join a union, but if the organizer can get close to the community and be seen as a friend, workers may be interested in joining.

The U.S. Government through the National Labor Relations Board sets the ground rules for organizing and determines whether or not elections are called for, supervises the election, investigates the election, and determines whether or not the election results are valid. The board also investigates charges of unfair labor practices and determines the appropriate bargaining unit.

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Organizing efforts are affected by the attitudes of the employees -- whether the employees are friendly, indifferent, or hostile to unions. Organizing efforts are also influenced by culture patterns that encourage employees to try to convince their neighbors to vote against the union. Organizing efforts are also influenced by culture patterns that encourage employees to try to convince their neighbors to vote against the union.

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CONTENT
INSTRUCTIONAL SUGGESTIONS

Major Divisions of Organized Labor

Local (6)
National (6)
Federation (6)

Services performed by the national include:
Organizing
Collective bargaining including contract negotiations
Strike assistance
Legal
Research and education
Publications and periodicals
Formation of locals

Services performed by the local include:
Collective bargaining
Organization
Adjustment of grievances
Administration of contract
Administration of benefit and welfare programs
Legal
Union hall
Community work

The federation is a number of national unions banded together.

The national or international is a number of locals in the same trade or industry. An international union has affiliated locals in the United States and foreign countries.

The local is the smallest form a union takes. It is the real union where members meet and act. That is, the local performs the functions of a union such as collective bargaining, organization, etc.

In the United States, the term "national" union will include both national and international unions. This text will use the term "national" union. An international union has affiliated locals in the same trade or industry. An international union is a number of locals in the same trade or industry that is affiliated with a national union.

For most members of a union, the local is the smallest form a union takes. It is the real union that they can afford to lose. That is, if they lose their jobs, they can afford to have their local union gone.

Discuss the major divisions of organized labor with students. (Ref. B, pp. 99-104; 176-193, E; Ref. F.)

Invite a local union official to discuss his particular local's operation and activity. (6)

Form a local union official to discuss his particular local's operation and activity. (6)

Local Labor of Organized Labor

Dress with students the concept of a strike because their jobs are so easy to lose and pay so little.
BACKGROUND INFORMATION

Services performed by the federation include:

- Legislative
- Jurisdictional problems
- Publications
- Research and education
- Organization
- Legislative

A union's presence helps to get companies (even nonunion) to accept

people as they used to be.

Unions are no longer necessary for getting higher wages for working

leaders are always afraid of getting voted out of office to profit from dishonest practices.

There are more positions worth fighting for and more opportunities

of power because:

Strong locals have increased the opposition for abusing positions.

- Critical act which outlawed many of these violations.
- Operating unions.
- (Ref. D, pp. 64-92)
- To present both points of view.
- To discuss with students how the issues surrounding the controversies

Workplace:

- Legal
- Jurisdictional problems
- Publications
- Research and education
- Organization
- Legislative

Formed by:

SUGGESTIONS

5

1. Discuss with students some of the controversies surrounding unions.

Be sure to present both points of view (Ref. D, pp. 64-92; 463-465)

The McClellan Committee, among other things, found that local leaders were often lured to keep criticism quiet and use illegal election techniques to stay in power, which often leads them to keep criticism quiet, and use illegal election techniques to stay in power.

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- To discuss with students how the issues surrounding the controversies

Workplace:

- Legal
- Jurisdictional problems
- Publications
- Research and education
- Organization
- Legislative

Formed by:
Are Unions Democratic?

Relations Between Unions and Members

BACKGROUND INFORMATION


REFERENCES


(B) Sayles, L. H. & Strauss, George. The local union; 2d ed. New York State Department of Labor, Union Democra-


(D) New York State Department of Labor. Union democracy. Albany, N.Y.: The Department.


(F) New York State Department of Labor. Union democracy.

BACKGROUND INFORMATION

By definition, unions are organizations of workers formed to protect their economic objectives by democratic processes. Unions have pursued their economic objectives by negotiating agreements with employers and by the collective bargaining process. These agreements generally require that the workers accept the terms of the agreements, which are then enforced by the union leadership. The democratic processes within unions have been the subject of attention by various scholars and organizations. This module will examine the democratic processes within unions and the issues related to them.

OBJECTIVES

At the completion of this module, students will be able to:

1. Define what "democracy" means to the average union member.
2. Explain the other side of the democratic coin, that is, the potential for democratic processes to be corrupted by the union leadership.
3. Describe the democratic process as it operates within the union.
4. Outline the main sections of the Labor-Management Reporting and Disclosure Act of 1959 which related to democratic processes within unions.
5. Explain what the collective bargaining act of 1999, which reformed the union political process, did to increase the role of the union member.
6. Analyze the merits of union democracy in support of union democracy.
7. Demonstrate an understanding of the democratic processes within unions and the issues related to them.

INSTRUCTIONAL SUGGESTIONS

Concerns About Union Democracy

Duplicate all or part of the sample questionnaire used by Rosen and Rosen in their book, The Union Member Speaks.

REFERENCES


(B) Sayles, L. H. & Strauss, George. The local union; 2d ed. New York State Department of Labor, Union Democra-


(D) New York State Department of Labor. Union democracy.

(E) U.S. Department of Labor. The union member speaks.

(F) New York State Department of Labor. Union democracy.
Definition of Union Democracy

(1) Examine some real-life illustrations obtained from

(2) student members.

Discipline of Union Members

1. Ask students to complete it and use the results as a basis for a discussion.

(Ref. B, Chapter 10; Ref. D, Chapter 3)
INSTRUCTIONAL SUGGESTIONS

Punishable Union Member Behavior

Union Member Responsibilities

4

Union Judicial Process

Examine some real-life situations and actual incidents obtained from students.

BACKGROUND INFORMATION

Union constitutions provide that union members can be fined or even expelled for a wide variety of reasons. The right to discipline union members still exists, but as in the case of society at large, our courts have ruled that union disciplinary procedures must meet accepted standards of procedural due process. Due process, although an elusive concept, generally means the provision of appeal procedures, the right to be represented by counsel, the opportunity to cross-examine witnesses, the right to remain silent, the right to have a record of proceedings, and similar safeguards. To remain silent, the right to have a record of proceedings, and to exercise their franchise for nominating and electing good leaders, and to criticize policies and policy makers in a constructive fashion, members incur the obligation to participate in their union affairs as mandated elsewhere in this training sequence. All union members participate in this judicial process to the extent that they keep themselves informed of what is going on in their chapters and locals, and to follow the affairs of their union. In order to obtain real discipline, ask them to interview officials and friends in order to obtain real discipline. If students have had no personal experiences with union judicial process and no personal experiences with union judicial process, ask them to interview officials and friends in order to obtain real discipline. If students have had no personal experiences with union judicial process, ask them to interview officials and friends in order to obtain real discipline.
The Main Sections of the Visual Center, NYSSILR, Labor-Management Reporting 14850, the self-study and Disclosure cassette and guide, "A Review of the Methods Available to Resolve Disputes in Negotiations, and Over Contract Interpretations as well as the Regulations of Internal Union Affairs."

Regulation of Internal Union Affairs
Title I, "Bill of Rights" (5)

Assign students one of the following or similar discussion questions:

- Does the right of free speech extend to the right to filibuster at union meetings?
- What limitations should be placed on free speech?
- Should the government audit a union's books even though no one has alleged any mismanagement?

Chapter 9, Ref. B, Chapter 9, Ref. F

BACKGROUND INFORMATION
Providing for an appeal from the decision of the trial or hearing to the national president, executive board, or most commonly, to the general convention of the union.

Taking the case to Civil Courts after all internal union appeal procedures have been exhausted.

The thrust of this law is to put the Federal government into the business of regulating internal affairs of unions at both the local and national levels.

Its regulations provide for several requirements, including financial and other data reporting, a "bill of rights" for union members, procedural requirements for raising dues or assessments, guarantee of a member's right to sue his union, standards for disciplinary procedures, restrictions on union trusteeships, rules of conduct for union elections, and other new obligations for all.

Why the law was passed is evident in the law's declaration of intent and policy:

"The Congress... finds, from recent investigations in the labor and management fields that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct..."

This title guarantees to union members equal rights to:
1. Nominate candidates for union office
2. Vote in elections
3. Attend meetings
4. Discuss and vote on matters that come up in union meetings

Freedom of Speech and Assembly Section gives to every member the right to meet and assemble freely with other members, and to express freely his views both in union meetings and outside of meetings. Freedom of Speech and Assembly Section gives to every member the right to meet and assemble freely with other members, and to express freely his views both in union meetings and outside of meetings.

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- Dues, Initiation Fees, and Assessments
- Protection of the Right to Sue
- Discipline

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Freedom of Speech and Assembly Section gives to every member the right to meet and assemble freely with other members, and to express freely his views both in union meetings and outside of meetings.

Dues, Initiation Fees, and Assessments
A vote of the membership is required before any changes are made in dues or fees.

Protection of the Right to Sue
Although a member must use a union's internal procedures, he must first exhaust these internal procedures within four months.

Discipline
This requires that in all disciplinary procedures the accused be given "written specific charges," "reasonable time to prepare", and a "full and fair hearing."

Procedures for an appeal from the decision of the trial or hearing must first exhaust these internal procedures within four months. However, internal procedures must first exhaust these internal procedures.

Regulations of the National Labor Board, and other data reporting.

The thrust of this law is to put the Federal government into the business of regulating internal affairs of unions at both the local and national levels.
Title II
Annual Reporting

(5)

Title III
Trusteeships (5)

Title IV
Election of Officials (5)

Under this title, unions, officials and employees of unions, and employers are required to report annually on the status of the union constitution, on financial records of union officials, and on financial transactions between employers and union officials.

Initiation fees

Regular dues and work permit fees

Assessments

Distribution of strike authorization

Proceedings and grounds for imposing fines or expelling members

Discipline or removal of officers

Methods of selecting stewards and officers

Calling of meetings procedure

Financial audits authorization

Approval of contracts on membership

Unions must also file financial reports once a year detailing:

Issuance of work permits

Strike authorizations

Calling of periodic meetings

Provision for and restrictions on membership

A statement on the following matters:

If the union constitution does not cover them, the union must file financial transactions between employers and union officials, and union constitution, on financial records of union officials, and

Employers are required to report annually on the status of the

Under this title, unions, officials, and employees of unions, and

Background Information

Instructional Suggestions
TITLE V

Financial Safeguards Through Bonding of Union Officials (5)

Arguments for Union Democracy

Arguments Against More Union Democracy

BACKGROUND INFORMATION

Members shall have the right to vote for or otherwise support the candidate or candidates of his choice without being subject to penalty, discipline or improper interference or reprisal of any kind. Specifically, there is a prohibition against discrimination or retaliation against those who vote or support a candidate. Any employer who seeks to discipline or otherwise interfere with a member's right to vote for or support a candidate is subject to serious fines and other penalties.

Union officials under this act are held accountable to:

- Use union funds for the benefit of the union.
- Avoid conflicts of interest.
- Avoid exploiting their union offices for personal gain.
- Follow specified procedures when conducting elections.
- No disciplinary procedure may be used if the election results are challenged.
- Reasonable requests to distribute campaign literature must be honored.
- Union leaders must have room to maneuver in negotiations with employer representatives.
- Without democratic participation with rank and file members, a union's strength depends on its concerterd action so that they are barred from holding official union positions.
- Certain types of convicted persons and Communists are barred from holding official union positions.
- Bonds are required of officials who handle funds and they are also required to file reports on certain financial holdings and transactions.
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UNIT 14

How ARE LOCAL UNIONS GOVERNED?

MODULE -3

Gives the organization and staffing patterns of local unions and explains their financing and decisionmaking processes.

OBJECTIVES

At the completion of this module students will be able to:

1. Describe the separation of power between the national and local unions of a union member.
2. Describe the organization and staffing patterns of local unions and explain their financing and decisionmaking processes.
3. Prepare accurate summaries of the duties and responsibilities of national union officials and local union leaders.
4. Explain union dues and finances.
5. Describe the responsibilities of national and appointed union officials.

CONTENT

INSTRUCTIONAL SUGGESTIONS

Authority of National (or International) Unions (1)

Background Information

May be available through local library.

La Barba, Jack. The practice of unionism. New York, N.Y. Harper & Row, Inc. 1956. (Publication out of print, may be available through local library.)

REFERENCES

Sayles, L. G. Struggle. George. The national union.

Richardson, R. C. American labor unions. Iowa, N.Y. New York State School of Industrial and Labor Relations, Cornell University. 1955. (Bulletin 30)

Sayles, L. G. Struggle. George. The Local union; rev. ed. New York; N.Y. Harcourt, Brace, 1967. (Publication out of print, may be available through local library.)
Differences Between Craft and Industrial National Unions

1. **Summary of National Union Programs**
2. **Constitution of a Local Union**
3. **Contents of a Local Union Constitution and By-laws**
4. **Local Union Meetings**

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### Background Information

In general, the Industrial unions (such as the UAW or USW) are quite highly centralized and exercise rather tight control over their local unions. Collective bargaining negotiations are conducted at the national level of industrial unions. By contrast, collective bargaining by craft unions is a responsibility of the local union, but questions of jurisdiction (who should perform the work) is a responsibility of the craft national union. The complete range of activities carried on at the national union level includes the following:

- Research and legal services
- Workers' education
- Political action
- Lobbying
- Related activities - vacation facilities and low-cost housing
- Publication of newspapers, magazines and bulletins

The constitution and bylaws of local unions are generally formulated by the locals, subject to approval by their "parent" national union. The constitution begins with an opening section which explains union objectives and ideals. Normally, the constitution explains union objectives, duties and authority of union officers, its responsibilities, rules of order, meeting procedures, union dues, discipline and member rights. It also contains rules for holding office, composition of the executive board, divisions of the executive board, union officers, dues and authority of union officers, union meetings, union facilities, union dues, discipline and member rights.

Constitutionally, the local union meeting is the body which governs the affairs of the local. Although day-by-day administration is delegated to union officials, determination of policy is decided by the union meeting, i.e., the whole union, participating in the affairs of the local. Although day-by-day administration is delegated to union officials, determination of policy is decided by the union meeting, i.e., the whole union, participating in the affairs of the local.

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### Programs

1. **National Union**
   - Summary of National Unions and Industrial Unions
   - Between Craft and Industrial Differences

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### INSTRUCTIONAL SUGGESTIONS

- Ask students who are members of unions to bring to class copies of their union's constitution and by-laws.
- Invite local union officials to explain the constitutional aspects of their unions.
- Members of unions to ask students who are members of unions to bring to class copies of their union's constitution and by-laws.
- Invite local union officials to explain the constitutional aspects of their unions.
Local Union Officers usually continue to work 'after hours' and to conduct union affairs as executive council, and executive committee. The president of the local usually directs the union within the constitution of the local. The duties of a treasurer or secretary-treasurer (3) are implied in the job title, namely: to manage union funds. The president (usually unpaid) directs the union within the constitution and adopted policies. He presides at union meetings, and he often takes leadership of collective bargaining negotiations, labor-management relations, and other affairs. The president, vice presidents and stewards or committee men (when they exist) are elected to help the president to direct the workings of the local. When they act as the "noncommissioned" officers, processing grievances, interpreting the collective bargaining agreement, and protecting individual members' interests, they act as the "noncommissioned" officers, processing grievances, protecting individuals, and steering the collective bargaining agreement. In all cases, stewards or committee men (when they exist) are elected by the union's members. In all cases, they are usually elected at the work place (open in ratio to total numbers). The president (usually unpaid) directs the union within the constitution and adopted policies. He presides at union meetings, and he often takes leadership of collective bargaining negotiations, labor-management relations, and other affairs. The president, vice presidents and stewards or committee men (when they exist) are elected to help the president to direct the workings of the local. When they act as the "noncommissioned" officers, processing grievances, interpreting the collective bargaining agreement, and protecting individual members' interests, they act as the "noncommissioned" officers, processing grievances, protecting individuals, and steering the collective bargaining agreement. In all cases, stewards or committee men (when they exist) are elected by the union's members. In all cases, they are usually elected at the work place (open in ratio to total numbers).
Local Paid Union Officials (staff)

Union Dues, Fees, and Assessments

Base the discussion of particular unions' dues, fees, assessments and money handling on actual case studies or inputs from invited union officials. (Ref. A, Chapter V)

Union Expenses

In the case of craft unions, a business manager or business agent (or several such agents) is paid to handle most of the work such as operating the hiring and referral system, policing jobs to see that contracts are being followed, and organizing and handling grievances and conditions.

Instead there are field or national representatives who have responsibilities similar to those of business agents and who are attached directly to the national headquarters or to a regional office. In industrial union locals there are few such business agents.

Union activities are financed by collections from members. In some instances, union funds are invested so as to provide additional revenue. When initiation fees are levied for admission to union membership, the amounts can be nominal ($5 or $10), or quite large (several hundred dollars) or quite large ($50 or $100), or quite large.

The amount of monthly dues varies considerably union by union. As a rule, it has been suggested by some researchers that monthly union dues are equal to a little less than the pay that can be earned in two hours of work. It should be emphasized that for these dues the member obtains not only the regular union protection or enhancement of wages and conditions, but frequently also insurance, health, and retirement benefits as well. Assessments are levied as well, to raise money for such extraordinary situations as strike support or organizing the unorganized.

Assessments are levied from time to time to provide for extraordinary situations such as strike support or organizing the unorganized. Excessive assessments or initiation fees are prohibited by the National Labor-Management Relations Act. The amount of monthly dues may vary considerably from union to union, depending on the activities of the union.
INSTRUCTIONAL SUGGESTIONS

Background Information

Union Members' Responsibilities

Participation

Constructive Criticism

In a healthy, democratic union, members do not automatically support any and all policies. Instead, they judge each proposed policy on its merits after a process of analysis and debate. In addition, however, members must be actively involved in formulating and approving policies of their unions. It is patently not enough just to accept union benefits as something that are afforded for the payment of dues. Since our theory of unionism holds that unions are to be run by democratic procedures, it is important that all members get involved. Union members do not get involved, it is possible for relatively few people to become dictators or even worse to become corrupted. In the form of critical questions about any and all expenditures, union members must be told how union funds are spent. By law, union expenditures must be told how union funds are spent. Accounting practices have been developed for the handling of union money due both to member pressure and to public legislation. Over the years, better and better record keeping and financial accounting have been developed. Yet, union members are required by law to be told how their dues are spent. In a democratic union, it is the members who should express their right to vote and, when criticism is justified, to express their right to vote and, when criticism is justified, to vote on their views, at a minimum, members should attend meetings, voice their views, and debate. In a healthy, democratic union, members do not automatically support any and all policies. Instead, they judge each proposed policy on its merits after a process of analysis and debate. In addition, however, members must be actively involved in formulating and approving policies of their unions. It is patently not enough just to accept union benefits as something that are afforded for the payment of dues. Since our theory of unionism holds that unions are to be run by democratic procedures, it is important that all members get involved. Union members do not get involved, it is possible for relatively few people to become dictators or even worse to become corrupted. In the form of critical questions about any and all expenditures, union members must be told how union funds are spent. By law, union expenditures must be told how union funds are spent. Accounting practices have been developed for the handling of union money due both to member pressure and to public legislation. Over the years, better and better record keeping and financial accounting have been developed. Yet, union members are required by law to be told how their dues are spent. In a healthy, democratic union, it is the members who should express their right to vote and, when criticism is justified, to express their right to vote and, when criticism is justified, to vote on their views, at a minimum, members should attend meetings, voice their views, and debate.

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OBJECTIVES

At the completion of this module students will be able to:

1. Explain how employer attitudes, economic conditions, technological changes, and governmental policies affect the status and bargaining position of the worker.

2. Explain the precautions a union member should take to keep his union on line with the purposes for which it was chartered.

3. Explain the challenges that face organized labor today.

4. Explain why the first union was formed and what they accomplished.

REFERENCES

(7) Estey, M.S. Unions: Structure, development, and management.
(10) Estey, M.S. Unions: Structure, development, and management.
After the Civil War, intellectual products were appearing in the local community. This situation, along with the need for a national organization to establish uniform standards for products, led to the development of different wage scales. However, workers from different parts of the country were often at odds with each other, leading to conflicts.

During the 1890's, companies were developing rapidly into large corporations. Employers resisted any efforts of workers to form unions. Clashes sometimes resulted in violence, injuries, and death. The period from 1900 to World War I was characterized by increasing pressure on workers. Employers adopted union-busting tactics and management was formed. Workers formed or joined political parties to promote their goals. Although they were unsuccessful, these periods of hard times resulted in the growth of the labor movement.

During the 1920's, employers improved the conditions of the individual worker. These tactics weakened the importance of unions and as a result, union membership decreased during this period. Unfortunately, these gains for the workers were dropped quickly during the economic hard times of the 1930's. Economic conditions affected the workers' efforts to organize and the importance of unions. Table C illustrates how the workers' conditions were affected by economic conditions.

During the late 1800's, the growth of the labor movement resulted in the development of national unions. Table B provides information on the growth of unions prior to 1860. After the Civil War, identical products were appearing in the local markets which were made in various parts of the country but under different wage scales. However, skilled workers from different parts of the country were in competition with each other. This situation gave rise to the need for a national organization to establish uniform standards for products.
During the Early 1920's and 30's, government policies affected by government efforts to organize were growing rapidly. Employers were able to obtain injunctions prohibiting strikes, thus reducing the success of union efforts to organize. As a result, union membership decreased in periods of economic recession and increased in periods of economic expansion.


Discuss how the workers' efforts to organize are affected by government policies. (Ref. B, pp. 224-263; Ref. C, pp. 83-86; Ref. D, pp. 24-27).

Explain why union membership increases in periods of economic expansion and declines in periods of economic recession. During the 1890's when corporations were growing rapidly, employers were able to obtain injunctions prohibiting strikes. These injunctions inhibited the success of union efforts to organize. As a result, union membership decreased in periods of economic recession and increased in periods of economic expansion.
During the 1920's and early 40's, government protection of unions grew strong and powerful. During this period, workers used sit-down strikes to gain their demands. There were several attempts to nullify them by injunction. Although limited in scope, these attempts illustrated the need for stronger labor laws. The sit-down strike was a new form of protest, and the government began to recognize the rights of workers to organize and bargain collectively.

The Norris-La Guardia Act of 1932 prohibited federal injunctions in labor disputes, outlawed "yellow dog" contracts, and limited the liability of unions for unlawful acts of their members. This was the most significant labor law to date.

During the late 1930's and early 40's, union membership expanded as a result of a favorable attitude toward labor by the government. Labor laws were passed during this period that protected the rights of workers. The Wagner Act or the National Labor Relations Act of 1935 gave workers the right to join unions and elect their own collective bargaining representatives. The Fair Labor Standards Act of 1938 provided a minimum wage and maximum hours for workers engaged in producing goods for interstate commerce and related situations. The Wagner Act also established a National Labor Relations Board to handle labor disputes.

Union membership grew rapidly during this period. Workers used the sit-down strike to gain their demands. As corporations became more powerful, it became evident that the worker needed some protection. The Railway Labor Act of 1926, although limited in scope, recognized the rights of railroad workers to organize and bargain collectively. The Norris-La Guardia Act of 1932 prohibited federal injunctions in labor disputes, outlawed "yellow dog" contracts, and limited the liability of unions for unlawful acts of their members.

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Following World War II, organized labor was criticized for long and costly strikes, the use of violence, left-wing domination in a few unions, defiance of law, and undemocratic practices. There was an increasing demand on the part of the public to place some curb on union activities. The Taft-Hartley Act of 1947 was passed to establish a better balance of rights and responsibilities between labor and management. The act continued the basic principles of the Wagner Act but enlarged the unfair labor practices to include such union activities as jurisdictional strikes, featherbedding, secondary boycotts, high initiation fees, and the closed shop. When the health and safety of the nation is endangered, the President may obtain an injunction stopping a strike for 80 days. The act also put new curbs on secondary boycotts, featherbedding, jurisdictional strikes, and undemocratic practices. It also made unions more responsible for their actions and could be sued for damages. Union officers must now make periodic reports to the membership concerning union finances and could be sued for damages. Union officers must now make periodic reports to the membership concerning union finances.

The Taft-Hartley Act was opposed by organized labor for a number of years. The Labor-Management Reporting and Disclosure Act of 1959 was passed after a 3-year investigation had uncovered some corrupt practices on the part of a few union leaders. The act gave union members the right to participate freely in meetings, to ballot secretly, and have access to financial and business records of their unions. The act also put new curbs on secondary boycotts, jurisdictional strikes, and undemocratic practices.

Explain why public opinion shifted away from labor during the late 1940's and how this change made possible the passage of the Taft-Hartley Act. Discuss briefly the provisions of the Taft-Hartley Act and labor's reaction to the law. Explain how the Landrum-Griffin Act affected individual union members.
During the 1960's, during the 1970's, A Look Back
Problems Encountered by Organized Labor
(2)
The Challenge by Radical Groups (2)

Explain how the Equal Employment Opportunity section of the Civil Rights Act affects union membership and apprenticeship training requirements.

Discuss how the amendments to the Fair Labor Standards Act affect the individual worker.

Discuss the rights and responsibilities of employers and employees under the Occupational Safety and Health Act.

(Ref. All About OSHA, published by the U.S. Dept. of Labor).

Explain how the Equal Employment Opportunity section was strengthened.

Be aware that the discussion on problems presented by unions from radicals does not become one sided.

Discuss the threat faced by unions from radical groups.

Explain how it is possible to systematically take over an organization.

A Background Information

The Equal Employment Opportunity section of the Civil Rights Act of 1964 prohibited discrimination based on race, color, religion, sex, or national origin relative to hiring, apprenticeship, or promotion, and union membership.

Amendments to the Fair Labor Standards Act of 1966 raised the minimum wage for workers already covered.

The Occupational Safety and Health Act was passed in 1970 to protect employees at the workplace.

During the 1960's, the minimum wage was raised in 1966 and the Occupational Safety and Health Act was passed in 1971 to protect employees at the workplace.

The Challenge by Radical Groups

Within many unions there are a few left-wing radicals but usually the leadership is able to keep these individuals under control.

Many radicals were attracted to the industrial unions when they were first formed because it provided an easy opportunity to infiltrate. The leadership is able to keep these individuals under control.

A Look Back
Problems Encountered by Organized Labor

Within many unions there are a few left-wing radicals but usually the leadership is able to keep these individuals under control.

A Review of past problems which have confronted organized labor groups.

Groups (2) by Radicals

Many radicals were attracted to the industrial unions when they were first formed because it provided an easy opportunity to infiltrate.
Occasionally, a jurisdictional dispute arises as the result of a disagreement or conflict between unions or between unions and employers. Such disputes can occur at any point in time and can involve a variety of issues, such as the assignment of work or the determination of working conditions. In some cases, jurisdictional disputes can lead to conflicts that are not easily resolved, and the parties involved may need to seek the help of a neutral third party to mediate or arbitrate the dispute.

In the context of organized crime, jurisdictional disputes can be particularly problematic. Criminal organizations may seek to control or manipulate unions in order to gain access to union funds or to influence the allocation of work. They may also use their power to threaten or intimidate union members who resist their demands. The Landrum-Griffin Act, which was passed in the United States in 1959, was intended to address these issues by providing protections for union members and by establishing procedures for resolving jurisdictional disputes.

To address jurisdictional disputes, it is important for union members to understand the legal protections available to them, as well as the procedures for resolving conflicts. Union leaders should also be aware of the risks associated with working with criminal organizations, and should take steps to prevent such arrangements from occurring. Finally, it is essential for law enforcement agencies to continue to monitor and investigate criminal activity in the labor movement, in order to ensure that workers are protected from abuse and exploitation.

Reference:
- A, pp. 161-172
- B, C, pp. 45-48
- C, pp. 27-29
- D, pp. 58-61
- E, pp. 112-116
The merger movement began in the early 1950s with an increasing amount of cooperation between the two labor federations. In 1955, an agreement was reached among the national unions of both federations, followed by a 2-year no-raiding agreement. This was a significant step towards resolving jurisdictional disputes among the unions. The Federation attempted to resolve jurisdictional disputes among national unions, but some of these disputes were not resolved even after the merger. Personal differences between leaders of the two federations, such as the rivalry between George Meany and Walter Reuther, contributed to the difficulties in the merger. The United Auto Workers union withdrew from the Federation in the mid-1960s, leaving the two largest unions in the United States as independents. The merger was far from complete, and there were ongoing disputes and disagreements within the new organization. Despite these challenges, the merger movement provided a fresh push to the labor movement, leading to increased cooperation and unity among the labor unions.

**Merger**

- First step: 2-year no-raiding agreement among the unions of both federations.
- Late in 1955, an agreement was reached to explore the possibility of a merger.
- The merger movement was established to resolve jurisdictional disputes.
- The Federation was required to merge within 2 years.
- In the early 1950s, there was an increasing amount of cooperation between the two labor federations.
- Personal differences and disputes between Meany and Reuther resulted in the UAW withdrawing from the Federation.
- The merger was far from complete, and there were ongoing disputes and disagreements within the new organization.

**Background Information**

- The merger movement began in the early 1950s with an increasing amount of cooperation between the two labor federations.
- In 1955, an agreement was reached among the national unions of both federations, followed by a 2-year no-raiding agreement.
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- The merger was far from complete, and there were ongoing disputes and disagreements within the new organization.

**Institutional Suggestions**

- Possible use of a local dispute or strike for at least one of the examples.
A Look Ahead -- Challenges to Organized Labor

Discuss some of the challenges that face organized labor in the years ahead.

(Ref. A, pp. 118-121, 577-585; Ref. C, pp. 32-34, 117-118; Ref. D, pp. 61-68, 85-97.)

Develop with students the problems of obtaining equitable wages and working conditions for all the members of an industrial union composed of unskilled, semiskilled, and skilled workers:

Have students who are union members indicate how their organizations are attempting to solve some of these challenges.

Compare the backgrounds of leaders of local unions with the backgrounds of present-day leaders of national unions to study how their qualifications compare.

Union membership is about 25 percent of the labor force. Despite the gains made by organized labor, union membership remains

a. A difference may exist between the problems of unskilled, semi-skilled, and skilled workers.

b. The organizing of unorganized workers within its jurisdiction remains a basic aim of American labor movement.

c. The special needs of white-collar workers have prompted unions to review their organizing techniques. Also, unions are beginning to organize public employees and the farm workers.

Some unions still use restrictive membership policies, and there is a growing sophistication in the management of nonunionized workers within the jurisdiction of organized labor. The need for unions, the organizing of nonunionized workers, and the part of management in the way it deals with workers, with which unions are familiar, is a growing problem for union leaders.

Despite these gains made by organized labor, union membership remains

Instructational Suggestions

Background Information

Despite the gains made by organized labor, union membership remains...
Under pressure that much more needed to be done for members of minority groups, the Federation reaffirmed its opposition to all forms of discrimination, strengthened its compliance machinery, promoted preapprenticeship training programs for the disadvantaged, and encouraged member unions to admit potential apprentices.

A continuing aim of organized labor is to obtain improved wages, hours, and working conditions. Over the years, labor has developed a unionism philosophy and this change was illustrated when Reuther indicated that the labor movement should not just patch things up but strive to help the working people reap the benefits of their labor.

Collective bargaining is a process which indicates there is a difference of opinion. Sometimes, one party believes the cost of agreeing is more than the cost of disagreeing and a work stoppage or strike occurs. It is in our complex society, a strike may injure the public as well as the parties at the bargaining table. In our complex society, a strike may injure the public as well as the parties at the bargaining table. Thus, all parties involved in a strike should be responsible enough to consider the broader consequences of their actions.

Young people entering the labor force, the unskilled workers, and members of the minority groups need the most help in the labor market. The workers need the most help are the workers that need the most help. The labor movement should not just patch up the wages and working conditions. Over the years, labor has developed a unionism which indicates there is a difference of opinion. Sometimes, one party believes the cost of agreeing is more than the cost of disagreeing and a work stoppage or strike occurs. It is in our complex society, a strike may injure the public as well as the parties at the bargaining table. Thus, all parties involved in a strike should be responsible enough to consider the broader consequences of their actions.

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EMPLOYER-EMPLOYEE UNION RELATIONS: INDIVIDUAL OR COLLECTIVE BARGAINING

MODULE 5

OBJECTIVES

At the completion of this module, students will be able to:

1. Explain the major concepts of individual and collective bargaining.
2. Describe how individual and collective bargaining practices seek to protect and to enhance employee interests and rights.

REFERENCES

(A) Cullen, Donald & Greenbaum, Marcia. Management rights and collective bargaining: can both survive? Ithaca, N.Y. New York State School of Industrial Relations, Cornell University. 1966. (Bulletin 58)
(D) Harbison, Frederick & Coleman, J.R. Goals and strategy in collective bargaining. New York, N.Y. Harper & Row, Publishers, Inc. 1966. (Publication out of print, may be available through local library.)

Local library.

Publication out of print, may be available through local library.

Employee-employer relationships. New York, N.Y. New York State School of Industrial Relations, Cornell University. 1966.

EMPLOYER-EMPLOYEE UNION RELATIONS: INDIVIDUAL OR COLLECTIVE BARGAINING
This content is not legible due to the quality of the image. Please upload a clearer version of the document.
In the ideal sense, employers would like the employees to agree

with their goals. Willingly assume responsibility, and to accept

necessary instructions.

In the negativelight by employers.

seen in negative light by employers.

or any worker imposed work rules that may affect productivity are

on what tools or technology can be used, restrictions on output,

or the man power would be viewed by employers as undesirable.

Established wage rates are necessary if employers are to plan

Individual or collective action leading to absenteeism or loss

of man power.

This view of workers recognizes that they have rights as citizens

and that they must be treated humanely and with dignity.

BACKGROUND INFORMATION

INSTRUCTIONAL SUGGESTIONS

Ask several employers, who are apprenticeship-sponsors, to discuss how

their ideal of collective action leading to absenteeism or loss

of man power would be viewed by employers as undesirable.

(Ref. B, Ref. C.)

Have Stability and Continuity in Their Operations (2)

Be Able to Predict Their Costs (2)

Make Production (2)

Increase Productivity (2)

Have Employees That Show Initiative, Willingness, and Responsibility (2)

- Desires and Responsibility
- Make Decisions
- Their Goals
- To Achieve Those
- They Will Help
- Make Decisions
- Ask Several Employers
- Human Beings

CONTENT
Innovate, Introduce Change, and Provide Goods and Services at a Profit to Owners (2)

Employees desire:
- Financial and Psychological Security (3)
- Safe and Pleasant Working Conditions (3)
- The Right Under Section 7 of the National Labor Relations Act to organize (3)
- Understanding, Freedom To Make Mistakes, Opportunity, and Fair Play (3)

Areas of Interdependence -- Profits and Wages (4)

INSTRUCTIONAL SUGGESTIONS

Ask students to relate in their own words what they really expect and want from their jobs and employers.

(Ref. G)

BACKGROUND INFORMATION

The right to innovate and to conduct business with relative freedom is a hallmark of our society, modified, however, by specific legal regulations and/or collective bargaining.

As indicated here and elsewhere in this training sequence on industrial and labor relations, employees need and want a measure of economic security.

The surroundings in which work takes place are important. Unsafe and unsound conditions will not be tolerated except perhaps for a price.

Beyond economic security and legally protected rights of organizations and unions, employees expect and really expect and want a measure of economic security. Employees and labor relations are not independent; they are linked.

Regulations and/or collective bargaining, is a halmark of our society, modified, however, by specific legal.

The right to innovate and to conduct business with relative freedom

Ask students to relate in their own words what they really expect and want from their jobs and employers.
Areas of Potential Conflict (4)

A: Ref: B

Both parties may not have equal or unequal strength.

A conflict of interest (this letter) is whether the two parties have equal or unequal strength. The question consists of individual bargaining or multiple agreements by the employees to remove or frustrate conditions on their wages and working conditions that the employer or the employees have always sought to improve their position (their wages).

At times, employers and employees, of course, exist. This is an attempt to achieve job and economic security. Introducing new technology and reducing the number of required employees, and which employers are always striving to cut costs by strikes and lockouts (to try to achieve their goals). In contrast to in-

need and want different things and neither party can really be responsible for the other party. (Ref. A; Ref. B)

Areas of Potential Conflict (5)

Collective bargaining is a power relationship between a management and a union where both parties use economic power (strikes and lockouts) to try to achieve their goals. In contrast to individ-

Individual bargaining is the process whereby an individual tries to obtain more or to remove onerous or frustrating conditions by threatening to withhold services (his labor). The big question about individual bargaining is whether the two parties have equal or unequal bargaining strength.

Collective bargaining is the relationship between employers (or their managers) and the representatives of employees (unions). The legal definition of collective bargaining is contained in Section 8(d) of the NLRA which states: "...to bargain collectively with the employers, the representatives of the employees, and the representatives of employees (unions)."
**Management Goals**

Preserve and Strengthen the Organization (6)
Retain Control
Establish Stable Relationships with Union (6)
Preserve the Economic System (6)
Advance Personal Ambitions of Managers (6)

**Union Goals**

Preserve and Strengthen the Union (6)
Promote Economic Welfare of Members (6)
Acquire Control Over Jobs (6)
Promote Social and Economic Objectives (6)
Advance Personal Ambitions of Union Leaders (6)

**Instructional Suggestions**

Invite employer and union representatives, who have engaged in collective bargaining, to outline their goals in bargaining as defined in particular situations.

(Ref. D, Chapter 1)
BACKGROUND INFORMATION

The history of Federal regulation of industrial and labor relations has frequently been referred to as an attempt to move the pendulum back to a mid point. Behind this metaphor is the important notion that neither unions nor employers should have excessive power or control. Instead, they should be roughly equal in their strength or power. This is another way of putting the above. It is the government that has attempted, by passing laws, to regulate the amount of power accumulated by the parties. These two persistent themes can be phrased as questions:

1. How should a union act or relate in regard to the public and employers?

2. What is another way of putting the above?

3. How should the law on collective bargaining be interpreted?
INSTRUCTIONAL SUGGESTIONS

Basic Policy of the NLRA (Taft-Hartley) (1)

Protective and Regulatory Legislation Affecting Collective Bargaining (2)

Discuss and review other references that relate to these laws.

BACKGROUND INFORMATION

What is the proper relationship of a union to individual workers?

Consider the declaration of policy which is a preface to the Labor Management Relations Act of 1947 which reads:

"It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to define and prescribe practices on the part of labor and management which are inimical to the general welfare, and to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other."
An Injunction

A "Stepping Stone" To Present Legislation

Use of the Injunction in Industrial and Labor Relations (3)

Norris-LaGuardia Act of 1932 (3)

Wagner Act

40

BACKGROUND INFORMATION:

The Norris-LaGuardia Act can be said to be regulatory as well. (See module, "Are Unions Democratic? Relations Between Unions and Members.")

In some cases industries or particular segments of our economy are regulated by special laws applying to those sections, as for example, the railroad industry (the Railway Labor Act of 1926) and the public employment sector (the Taylor Law in New York State).

An injunction is an order from a court (a judge) which requires an individual or a group (either labor or management) to cease doing something within a certain period of time because the action is presumed to be injurious to property rights. Persons or groups who violated the injunction can be and have been held to be in contempt of court and liable for punishment of one kind or another, including imprisonment.

For many years, employers were able to obtain court injunctions to prevent all types of union organizational and economic activity such as strikes, picketing, secondary boycotts, and breach of contract. Workers who violated their contracts with the company, and who strayed from the union, were held to have violated the agreement and were subjected to the use of injunctions. But this law did not eliminate the use of injunctions, but made them more difficult to obtain. Yellow dog contracts were declared illegal. In addition, this law emphasized that labor had the right to organize for collective bargaining.

As a part of the Great Depression during the Great Depression of the 1930's, labor was guaranteed the right to organize for collective bargaining. The National Act, the Wagner Act of 1935, provided to be unconstitutional, but the National Act was an important step forward in the movement for workers' rights.

The National Act of 1935 guaranteed the right of collective bargaining. This law did not eliminate the use of injunctions, but made them more difficult to obtain. Yellow dog contracts were declared illegal. In addition, this law emphasized that labor had the right to organize for collective bargaining.

For many years, employers were able to obtain court injunctions to prevent all types of union organizational and economic activity such as strikes, picketing, secondary boycotts, and breach of contract. Workers who violated their contracts with the company, and who strayed from the union, were held to have violated the agreement and were subjected to the use of injunctions. But this law did not eliminate the use of injunctions, but made them more difficult to obtain. Yellow dog contracts were declared illegal. In addition, this law emphasized that labor had the right to organize for collective bargaining.
The Wagner Act

The Foundation on Which Taft-Hartley Is Built

Major Taft-Hartley Provisions

Invite an industrial relations specialist, a union lawyer, or a public official who deals with labor relations to discuss the fundamental features of the law.

When this law was passed in 1947, it was seen as a way to maintain a balance between labor and management or, as indicated, to "swing the pendulum" back.

In summary, the Wagner Act:

- Made it possible for a union to gain recognition without a strike by obtaining the majority vote in an election supervised by the government.
- Required management to bargain collectively with this newly recognized and certified union as the legitimate bargaining unit.
- Established the National Labor Relations Board as the machinery to determine which union was to represent workers and to handle complaints.
- Established the National Labor Relations Board as the machinery to determine which union was to represent workers (elections).
- Recognized the majority representative of employees.
- Prohibited unfair labor practices by unions, including:
  - Restraint of or coerced employees in the exercise of their statutory rights to bargain collectively with the union which is the representative of the employees.
  - Discouraging or discriminating against employees who have filed charges or testified under the Act.
  - Interfering with, coercion or restraint of employees engaged in union or collective bargaining.
  - Refusing to bargain collectively with the union which is the majority representative of employees.

As already indicated, it was decided by Congress in 1935 that the right to organize and to bargain collectively was necessary in our society. To guarantee those rights the Wagner Act prohibited certain unfair labor practices by employers.

In addition, this law prohibited unfair practices by unions, including:

- Restraining or coercing employees in the exercise of their rights under the law.
- Refusing to bargain collectively with the majority representative of the employees.
- Interfering with, coercion or restraint of employees engaged in union or collective bargaining.

When this law was passed in 1947, it was seen as a way to maintain a balance between labor and management or, as indicated, to "swing the pendulum" back.

It retained the five provisions cited above which prohibited certain unfair labor practices by employers.

In addition, this law prohibited unfair practices by unions, including:

- Restraining or coercing employees in the exercise of their rights under the law.
- Refusing to bargain collectively with the majority representative of the employees.
- Interfering with, coercion or restraint of employees engaged in union or collective bargaining.
- Refusing to bargain collectively with the majority representative of the employees.
- Making it impossible for a union to gain recognition without a majority of votes.

The Wagner Act was built on which Taft-Hartley Act. The Foundation on Which Taft-Hartley Is Built.

In summary, the Wagner Act:
Major Duties of the NLRB (a special enforcement agency)

- Prosecute violations
- Judge whether a violation has occurred and when it has to
- Prescribe remedies
- The main duties of the NLRB are to:
  - Act promptly on charges of the closed shop
  - Break strikes without "noncommunist affiliations"
  - More on "noncommunist affiliations"
  - In addition to the closed shop, and particularly important for the construction industry, the NLRB made an anticommunist campaign by making the services under the law available only to unions who swore out "noncommunist affiliations".
  - In addition this law mounted an anticommunist campaign by forcing an employer to assign work to one union instead of another, inducing or encouraging employees to stop work in order to favor one union where another union has been certified, bargaining in secondary boycotts, economic pressure or strikes, referring to bargaining in good faith with an employer whose bargaining or grievance representative is in good faith.
  - Requiring an employer to certify an employee in the selection of his bargaining or grievance representative.
  - Charging excessive or discriminatory initiation fees, such as jurisdictional strikes.
  - Causing an employee to pay for services not performed, such as featherbedding.

Organization of the NLRB (5)

The Board consists of five members who act essentially as the judicial branch of the agency.

A General Counsel acts as the prosecutor. He listens to charges brought by individuals. He decides which cases should be prosecuted.

The Board consists of five members who act essentially as the judicial branch of the agency.

The Board consists of five members who act essentially as the judicial branch of the agency.
UNIT 4
MODULE 7
COLLECTIVE BARGAINING
BASIC CHARACTERISTICS OF THE PROCESS

Explains the collective bargaining process in the United States and why it is at the core of our approach to industrial and labor relations.

OBJECTIVES

1. Define what is collective bargaining in the U.S.
2. Examine some of the more important concepts and characteristics.
3. Explain the function and purposes of the collective bargaining process.
4. Explain why collective bargaining is supported by law.
5. Recount the function and purposes of the collective bargaining process.
6. Outline the major steps in decisions in the collective bargaining process.
7. Explain the function of the arbitrator in collective bargaining.
8. Specify the major philosophical and political problems associated with collective bargaining.

INSTRUCTIONAL SUGGESTIONS

Overview of the Collective Bargaining Process (1)

Present the basic points and follow with a discussion of the collective bargaining process. (Ref. B; Ref. E, Chapter I)

REFERENCES


(D) Doherty, Robert. Industrial and labor relations terms. Ithaca, N.Y. New York State School of Industrial and Labor Relations, Cornell University.


Collective Bargaining in Legal Terms (1) Norris-LaGuardia Act of 1932 (the beginning of a fixed public policy encouraging collective bargaining) (1)

BACKGROUND INFORMATION

It should be emphasized that it is a relationship between two organizations, namely, the employer (or the management of an enterprise) and the union (the representative of the employees). The best current legal definition of collective bargaining is contained in those sections of the Taft-Hartley Act which spell out the requirements for employers and unions to bargain. Section 8(d) states:

"...to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession."

Public policy in the U.S. in this respect states:

"Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise his actual liberty of contract and to protect his freedom of association, self-organization, and designation of representatives with this freedom, though he should be free to elect to associate and thereby to obtain acceptable terms and conditions of employment and thereby to obtain acceptable terms and conditions of employment...

...the following definition of, and limitations upon, the jurisdiction and authority of the courts of the U.S. are hereby enacted:"

INSTRUCTIONAL SUGGESTIONS

The best current legal definition of collective bargaining is contained in those sections of the Taft-Hartley Act which spell out the requirements for employers and unions to bargain. It should be emphasized that it is a relationship between two organizations, namely, the employer (or the management of an enterprise) and the union (the representative of the employees).
Two basic principles were propounded in this law:

- Individual employees were permitted to form and maintain labor unions of their own choosing without being subjected to coercion, intimidation, or discrimination by employers.
- Employers were required to bargain collectively with labor unions designated by their employees on wages, hours of work, and other conditions of employment.

These principles were articulated as the result of negotiations that may arise during the term of the contract, contracts usually run for a definite period (1, 2, or 3 years). Important terms used in collective bargaining include:

- The Agreement or Contract
- The Legislature
- The Arbitration
- The Barter
- The Locomotive
- The Protocol
- The Agreement
- The Barter
- The Locomotive
- The Protocol

Two basic principles were propounded in this law:

- Individual employees were permitted to form and maintain labor unions of their own choosing without being subjected to coercion, intimidation, or discrimination by employers.
- Employers were required to bargain collectively with labor unions designated by their employees on wages, hours of work, and other conditions of employment.

Because our legislators felt that there was a certain imbalance tilting toward labor unions, this act establishes new principles by:

- Curtailing bargaining as opposed to industrial bargaining.
- Protecting certain rights of individual employees.
- Specifying new obligations for organized labor.
- Specifying new obligations for employers.

It should be restated that the bargaining is a relationship between two organizations, namely, employers and unions. The focus is on collective bargaining as opposed to individual bargaining.

The Agreement or Contract is the most important terms which use materials which include:

- The Agreement
- The Arbitration
- The Barter
- The Locomotive
- The Protocol
- The Agreement
- The Barter
- The Locomotive
- The Protocol

Write the most important terms in the margin.
Arbitration (3)

Featherbedding (3)

Jurisdiction (3)

Management Pre-
rogatives (3)

Business Agent (3)

Need for Public
and Legal Sup-
port of Collec-
tive Bargaining

Inevitability
of disputes
and conflicts (4)

BACKGROUND INFORMATION

Arbitration is a method of settling a labor-management dispute by having an impartial third party render a decision which is binding.

 Jurisdiction is the area of jobs, skills, occupations, and industries within which a union organizes and engages in collective bargaining.

This practice, usually by unions, consists of demanding payment for work not performed, refusing to allow adoption of labor-saving equipment, and creating nonessential jobs.

The business agent is a full-time union officer of a local union who performs the process of negotiation, and documenting the process of management.

Featherbedding consists of demanding payment for work not performed, refusing to allow adoption of labor-saving equipment, and creating nonessential jobs.

INSTRUCTIONAL SUGGESTIONS

Ask students to find the terms in articles and to discuss their meaning in relation to the context in which they are used. (Ref. D)

Ask students to cite examples of conflict that they have observed and/or experienced and to state how these conflicts were resolved. (Ref. D)

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Ask students to cite examples of conflict that they have observed and/or experienced and to state how these conflicts were resolved. (Ref. D)
Anti-Collective Bargaining: The Alternatives

Dispute and conflict is almost inevitable because the rights, duties, responsibilities, rewards, penalties of employers, managers, workers, and their union representatives are subject to differing interpretations, there are differences of perception and of opinion, and there are competitive or other outside pressures on the parties.

The alternatives to collective bargaining include the following:

1. Allowing employers to exercise power unilaterally, that is, ceding to them the authority and the power to decide what, when, how, and to what degree.
2. Allowing unions to exercise unilateral power to decide things.
3. Referring the dispute to a third party or parties (arbitration).
4. Allowing unions to exercise unilateral power to decide things where over a period of time, as in wars between nations, the winners and losers change from time to time. Where there is fighting or war, one of the parties wins and the other party loses (and a neutral third party may intervene to decide what, when, how, and to what degree).
5. Allowing employers to exercise power unilaterally, that is, the employer has the authority and the power to decide what, when, and how.

Collective bargaining is:

- A process for settling disputes and advancing organizational interests.
- An arrangement for equalizing relative power of contestants.
- A dynamic and continuous relationship between labor and management.
- A continuing legal relationship between labor and management.
- A continuing legal relationship between labor and management.
- A problem solving process.
- A poker game.

Discuss the consequences of each of the major alternatives to resolving a conflict.

Discuss the major functions and purposes of collective bargaining.

Invite company and/or union officials who have actually engaged in negotiations to give first-hand accounts of the collective bargaining process.

(A) Refine the Alternatives

(B) Case Studies

(C) Chapter 11

(D) Assignment

(E) Summary

(F) Review Questions

Background Information

Instructional Suggestions

Content
A strike is the withholding of labor service as a form of economic pressure by employees (unions) to persuade (force) employers to accept their terms.

The bargaining table, where the parties have agreed on across-the-board terms and conditions which is a written document specifying wages, terms and conditions of employment, and a declaration of an agreement or bargain, essentially leads to an agreement or settlement, devoid of demands, discussion, demanding, or agreement to one another by an attempt to settle upon a written agreement. Following the definition of a bargaining unit by some public agency, a collective bargaining occurs in a great variety of settings such as between one employer and one local union or, at the other extreme, between many employers and a national union. A strike is a cessation of work and used as a form of economic pressure by employees (unions) to persuade (force) employers to accept their terms.

A Collective Bargaining Agreement or Contract is exactly what goes into an agreement actually negotiated as part of the collective bargaining process. The following parties in the collective bargaining process are the employers (or employers of a part of an employing establishment), and employee groups who are covered by a collective bargaining agreement. A strike is a cessation of work and used as a form of economic pressure by employees (unions) to persuade (force) employers to accept their terms.
pressure used by employers to persuade (force) employees (unions) to accept their terms:

Legal Status

Strikes and lockouts, the ultimate economic weapons at the disposal of labor and management, are sanctioned by law, but there are specific restrictions and conditions specified by the National Labor Relations Act as to what can and cannot be done.

Problems Caused by Strikes (7)

To answer the question, one must think about alternative ways to settle disagreements.

If a union demands a 10 percent wage increase and if the employer says he will not pay it, what is to be done? As previously suggested, it is possible to give the ultimate decision to a third party or to settle it by a toss of the coin.

But since these are not usually acceptable, the strike is seen as a way to put real pressure on the parties to settle their disagreements. In most cases, the mere threat of a strike is enough to force a settlement.

When strikes occur, they may cause the following:

- Disruption of the economy
- Suffering and inconvenience for the innocent public
- Workers to lose income (which the newspapers never tire of stating)
- Strikers and lockouters, the ultimate economic weapons at the disposal of labor and management, are sanctioned by law, but there are specific restrictions and conditions specified by the National Labor Relations Act as to what can and cannot be done.

To accept their terms:

pressure used by employers to persuade (force) employees (unions)
BACKGROUND INFORMATION

INSTRUCTIONAL SUGGESTIONS

Philosophical and Political Problems

Freedom vs. Control in Collective Bargaining (8)

Other Problems and Paradoxes (8)

Ask students to compare U.S. collective bargaining techniques with those used in other countries. Also, compare approaches used in other countries now and those taken at earlier points in our history.

BACKGROUND INFORMATION

Where does collective bargaining end and government control begin? Or put another way, how much freedom should be allowed in collective bargaining?

The answer is not easy because in the U.S., while we seek to promote collective bargaining, we also seek to provide full employment and to control inflation. These are competing goals which cannot be achieved simultaneously.

Government regulation versus the need for unions to be strong in their own right democracy versus the need for unions to be strong in their own right

Rights of minorities versus majorities

Rights of individuals to decide versus the right of a majority to decide

Many of the different problems which face all of us in society are highlighted in collective bargaining. Consider the following:

- Costs of conflict
- Government regulation versus responsible action by the parties
- Consumer protection
- Collective bargaining
BACKGROUND INFORMATION

Labor contracts or collective bargaining agreements are signed written statements that indicate what the employer(s) and the union(s) have agreed to during the life or the term of the agreement. They give the sequence of events whereby representatives of management and unions eventually reach agreement and sign a collective bargaining contract.

REFERENCES


CONTENT

1. Specify what is a collective bargaining agreement.

2. Suggest the criteria on standards for a "good" labor contract.

3. Describe the major steps and sequence of events in collective bargaining agreements. If the completion of this module, students will be able to:

4. Explain the conventional and newer strategies used in collective bargaining agreements.

5. Differentiate between competitive and cooperative negotiating styles.

6. Classify the major clauses of contracts or agreements.

7. Explain how labor law controls the negotiation process.

8. Analyze collective bargaining negotiations and the negotiations between labor and management in terms of acceptable criteria.

INSTRUCTIONAL SUGGESTIONS

Organize a project to determine who bargains with whom in the local area in order to compare and contrast them.

REFERENCES.

(A) Cullen, D.E. Negotiating labor-management contracts. Ithaca, N.Y. New York State School of Industrial and Labor Relations, Cornell University. 1965. (Publication 56). (Publication out of print, may be available through local libraries.)

INSTRUCTIONAL SUGGESTIONS

- Ask apprentices who are involved in a union-management program what additional standards they could propose which would protect their interests.

- Show a film or films to assist in dramatizing the negotiation process. The films listed below may be rented from the Audio-Visual Center, NYSSILR, Cornell University, Ithaca, N.Y., 614850.

  - "Beginning a Conflict"
  - "The Collective Bargaining Process"
  - "Countdown to a Contract"
  - "The Crisis Bridged"
  - "The Deadline Crisis"

BACKGROUND INFORMATION

Most contracts are signed for 1-year terms, but many are for 2-3 year or even longer periods of time. Most contracts are signed for 1-year terms, but many are for 2-3 year or even longer periods of time. Past experiences are analyzed, and the entire labor-management relationship is re-examined. A somber mood sets in, and everything and everyone are interpreted in the light of the forthcoming negotiations. Management prepares in a somewhat similar fashion.

- Foremen and others are interviewed.
- Past grievances are analyzed.
- The entire labor-management relationship is re-examined.

The union will collect members through union meetings.

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- The union will collect members through union meetings.

Both the union and the management are likely to spend considerable time assembling information and developing strategy for the negotiation process. The union will likely assemble information and develop strategy for the negotiation process.

STANDARDS OR CONDITIONS OF A COLLECTIVE BARGAINING AGREEMENT

The standards should provide for:

- Union security
- Reasonable latitude and discretion in hiring and using employees
- Reasonable freedom to make changes in technology, methods, tools and equipment
- Management responsibility to make changes in technology, methods, tools and equipment
- Management responsibility to make changes in technology, methods, tools and equipment
- Management responsibility to make changes in technology, methods, tools and equipment
- Management responsibility to make changes in technology, methods, tools and equipment

Step 1 - Preparation

SUMMARY: It is obvious that there are many variations on the following:

- With over 100,000 agreements being negotiated every year to two:
- With over 100,000 agreements being negotiated every year to two:
- With over 100,000 agreements being negotiated every year to two:
- With over 100,000 agreements being negotiated every year to two:
- With over 100,000 agreements being negotiated every year to two:

For resolving differences of opinion:

- Provide for specific procedures for interpreting the agreement.
- Provide for specific procedures for interpreting the agreement.
- Provide for specific procedures for interpreting the agreement.
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- Provide for specific procedures for interpreting the agreement.

The films described below may be rented from the Audio-Visual Center, NYSSILR, Cornell University, Ithaca, N.Y., 614850.

- "Beginning a Conflict"
- "The Collective Bargaining Process"
- "Countdown to a Contract"
- "The Crisis Bridged"
- "The Deadline Crisis"
The relationship is reviewed. Both sides accumulate whatever background data they feel they will require to make their case or to refute the other side's case. As an important part of these negotiations, both sides select their bargaining representatives, who are familiar with the subjects to be discussed and debated. Each side submits its list of demands which are as exaggerated as the union's. This is usually a week or so later, management and the union present their opening statements, and what records will be kept. Following this first meeting, or usually a week or so later, management presents its list of demands for the negotiations, and makes its opening statement. A long and usually quite impossible list of demands. The union spokesman customarily and emphatically presents the management's list of demands, which are as exaggerated as the union's. This can be done for both sides to appreciate each other's problems. This common ground is reached. The management presentation may open with a short speech introducing the management's proposals. The union presentation follows, opening with a short speech. After the union has made its presentation, the management may react. The management's reaction may open with a short speech. Each side has very carefully given itself a lot of room for future maneuvering. The two sides now explore and discuss each other's proposals, receive concessions, and what records will be kept. This completes the first meeting, or usually a week or so later, management presents its list of demands for the negotiations, and makes its opening statement. A long and usually quite impossible list of demands. The union spokesman customarily and emphatically presents the management's list of demands, which are as exaggerated as the union's. This can be done for both sides to appreciate each other's problems. This common ground is reached. The management presentation may open with a short speech introducing the management's proposals. The union presentation follows, opening with a short speech. After the union has made its presentation, the management may react. The management's reaction may open with a short speech. Each side has very carefully given itself a lot of room for future maneuvering. The two sides now explore and discuss each other's proposals, receive concessions, and what records will be kept. This completes the first meeting, or usually a week or so later, management presents its list of demands for the negotiations, and makes its opening statement. A long and usually quite impossible list of demands. The union spokesman customarily and emphatically presents the management's list of demands, which are as exaggerated as the union's. This can be done for both sides to appreciate each other's problems. This common ground is reached. The management presentation may open with a short speech introducing the management's proposals. The union presentation follows, opening with a short speech. After the union has made its presentation, the management may react. The management's reaction may open with a short speech.
The Strike Threat

During Negotiations (4)

The Bargaining Zone -- the limits beyond which the parties will not go. (4)

Step 4 -- Reaching an Agreement

Ultimately an agreement is reached, with or without the necessity of using the ultimate economic weapon: the strike. The General Negotiating Agent has been reached at the bargaining table, both sides go back to their respective constituencies to obtain their side's approval of the terms, and a tentative agreement is reached. The union side usually conducts an election while the management side obtains the approval of top management and board members.

Step 5 -- Ratification

After a tentative agreement has been reached at the bargaining table, both sides go back to their respective constituencies to obtain their side's approval of the terms, and a tentative agreement is reached. The union side usually conducts an election while the management side obtains the approval of top management and board members.

Step 6 -- The contract is in effect for a stated period of time.

The contract is in effect for a stated period of time.

Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communicate advantage. Bluffing is also used as a way to signal or communic...
Take It or Leave It
Bargaining (4)
Continuous Bargaining (4)
Competitive Negotiation Issues (5)
Cooperative Negotiation Issues (5)

Take It or Leave It
Bargaining (4)
Continuous Bargaining (4)
Competitive Negotiation Issues (5)
Cooperative Negotiation Issues (5)

Ask students to consider the following bargaining issues and indicate whether each one is considered a competitive or cooperative issue.

Across the board wage increase

This strategy, called Boulwarism after the former official of General Electric, attempted to change the usual approach to negotiations. The management made its “final offer” at the beginning of negotiations. In effect, the company said that since it had carefully determined what it could and would be able to offer, there was no room for negotiations. This was known as the “take it or leave it” approach, which is still used in many negotiations.

Whether the approach is successful and whether other companies could or should adopt it continues to be hotly debated.

Continuous bargaining refers to negotiations that continue throughout the life of the agreement. The idea is that rather than bargaining only close to the time when an agreement is to expire, continuous bargaining attempts to resolve issues that need to be addressed throughout the life of the agreement.

These issues are win-lose propositions which involve a fixed amount of something, such as money, time, and authority. These issues are win-lose propositions which involve a fixed amount of something, such as money, time, and authority.

BACKGROUND INFORMATION

EMPLOYER'S MAXIMUM

EMPLOYER'S DESIRED

UNION'S MAXIMUM

UNION'S DESIRED

INSTRUCTIONAL SUGGESTIONS

CONTEN
Major categories of clauses include:

- Union Security
  - Description of the bargaining unit, duration of the agreement and the forms of union recognition (union shop, maintenance of membership, hiring through the union)

- Wages-Hours-Working Conditions
  - One of the key areas in that it covers wage increases and adjustments

- Individual Security
  - Protection against arbitrary acts, and in industrial situations, the rules and regulations on seniority

- Administration
  - Procedures for handling grievances and changes during the life of the agreement

- Management Rights
  - Statements of defining the rights or prerogatives of management or enumerating what is exclusively management rights.

The Major categories of clauses include:

- Layoff procedure
- Plan contributions
- Increased pension
- Vacation schedules
- Reasons
- Time off for personal motion
- Training for pro-
- Time
- Allocation of over-

For mediation (7)

In labor law cont-

Major Cate-

Clause (6)

Goers of cl-

Discuss the differences of op-

ations that were expressed.
In Good Faith" (7)
Restrictions on Certain Strikes and Picketing Actions (7)
Criteria Used by the General Public and by the Parties to Assess Collective Bargaining Agreements (8)

INSTRUCTIONAL SUGGESTION
Ask students to comment on the following questions:

Has the law helped or hindered free collective bargaining?
Are good alternative methods for settling wages and working conditions being overlooked?

BACKGROUND INFORMATION
either party wishing to terminate or modify an existing contract must notify the other party in writing at least 30 days before the expiration of the contract. According to Taft-Hartley, this means that the parties must meet to discuss the collective bargaining relationship and to arrive at a reasonable agreement. Just as exactly when "good faith" is or is not satisfied is a matter of interpretation, the parties have the legal right to impose any solution upon the parties, but the Service does not have the legal right to terminate or modify an existing contract.

Certain kinds of picketing constitute jurisdictional strikes, national emergency strikes, and secondary boycotts, and are restrictions on certain actions. Have unnecessary strikes occurred? Did the government have to step in to solve the dispute? Have unnecessary strikes occurred?

Assess the collective bargaining relationships between labor and management. Some criteria used by the general public and parties involved to assess the collective bargaining agreements between labor and management include:

- Have unnecessary strikes occurred?
- Did the government have to step in to solve the dispute?
- Have unnecessary strikes occurred?
- Are settlements in line with what is happening in other industries?
- Are settlements in line with what is happening in other industries?
- Are settlements in line with what is happening in other industries?
- Are settlements in line with what is happening in other industries?

has been debated ever since 1947 when the law was passed. With the exception of "good faith," the law is not satisfactory. The Service has not enforced the law effectively, and Congress has not given the Service the authority to enforce it.
UNIT 4
SETTLING INDUSTRIAL AND LABOR RELATIONS PROBLEMS BY ARBITRATION

MODULE 9
Explains why arbitration is used in labor-management relations, how the process works, and what types of issues are considered by arbitration.

OBJECTIVES
At the completion of this module students will be able to:
1. Define arbitration
2. Describe the major purpose of arbitration
3. Locate sources of arbitration and describe their advantages
4. List types of labor-management issues that go to arbitration
5. Describe and explain the mechanics of grievance arbitration
6. Describe and explain the process of mediation

CONTENT

INSTRUCTIONAL SUGGESTIONS

REFERENCES

BACKGROUND INFORMATION
In industrial and labor relations, and, in fact, in disputes between individuals or groups outside a court of law, arbitration refers to an outside or third party who has been authorized to make a decision about the dispute between the parties. The decision of the third party outsider is final and binding on the parties. The process of arbitration involves the parties presenting their cases to the arbitrator, who then makes a decision based on the facts and law presented. The arbitrator's decision is final and binding on both parties.
BACKGROUND INFORMATION

The grievance machinery:

Arbitration is the last step in many collectively bargained grievance procedures, in which an impartial arbitrator decides the dispute. Instead of relying on strikes or other forms of economic power, the parties voluntarily submit the dispute to an arbitrator. Arbitration is an extension of collective bargaining that goes beyond the first two steps of the grievance procedure. In this section, we will discuss the basic terms and concepts of arbitration.

INSTRUCTIONAL SUGGESTIONS

Discuss with the students the basic terms and concepts of arbitration. (Ref. C, Chapter II)

Part of Grievance Procedure

Distinction between Media-

Part of Grievance Procedure

between Arbitration and Mediation

Arbitration means that a third party (an arbitrator) has the power to decide the issue. Further, the parties agree in advance to accept the decision of the arbitrator. The element of compulsion distinguishes arbitration from voluntary arbitration. Instead of relying on strikes or other forms of economic power, the parties voluntarily submit the dispute to a third party. The force provided by the passage of a law which then requires and authorizes the use of compulsory arbitration in certain specified situations is supplied by the passage of a law which then requires and authorizes the use of arbitrators and arbitrations.

BACKGROUND INFORMATION

Arbitration is an extension of collective bargaining in that it interprets the agreement. Instead of relying on strikes or other forms of economic power, the parties voluntarily submit the dispute to an arbitrator. Arbitration is an extension of collective bargaining in that it is a voluntary process open to a third party for a solution to a problem. The force provided by the passage of a law which then requires and authorizes the use of compulsory arbitration in certain specified situations is supplied by the passage of a law which then requires and authorizes the use of arbitrators and arbitrations.

BACKGROUND INFORMATION

In the U.S., we have avoided the use of compulsory arbitration in all but a very few cases. Very infrequently, however, it has been used, as for example in national disputes in the rail transportation industry and in public employment. Arbitration means that a third party (an arbitrator) has the power to decide the issue. Further, the parties agree in advance to accept the decision of the arbitrator. The element of compulsion distinguishes it from voluntary arbitration in that a third party is forced to go to the arbitrator for a solution to a problem. The force provided by the passage of a law which then requires and authorizes the use of compulsory arbitration in certain specified situations is supplied by the passage of a law which then requires and authorizes the use of arbitrators and arbitrations.

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Judicial Arbitration (1)

General Purposes of Arbitration (2)

Sources of Arbitrators

American Arbitration Association and the Federal Mediation and Conciliation Service (3)

Basis for Arbitrator's Decisions (3)

Arbitrator Ethics and Views of Their Job (3)

BACKGROUND INFORMATION

The arbitration which is installed as the last step of a grievance procedure is usually referred to as judicial arbitration. Judicial arbitration also refers to the fact that arbitrators are used to interpret and define the terms and language of a collective agreement. Arbitration is used as:

- A device for settling grievance disputes
- An escape hatch or safety valve for the disputing parties
- A face saving device
- A device for settling grievances disputes

What the arbitrator may or may not decide is usually spelled out for him in the collective agreement. In general, he is supposed to decide on the basis of what he thinks the contract means in a given situation, not on the basis of moral principles. Not all arbitrators are alike. While all arbitrators are presumed to be honest and observe acceptable ethical behavior such as fairness and impartiality, they differ markedly on how arbitration should be conducted. Some are "narrow constructionists or constitutionalists" in that they view their authority in limited terms and interpret the language of an agreement. Others take a broad view, going beyond strict interpretation of an agreement. All have the duty to mediate if they believe that settlement can be reached. However, an arbitrator has no authority in limited terms.

The Federal Mediation and Conciliation Service is a government agency which maintains a list of hundreds of qualified arbitrators. The American Arbitration Association is an impartial nonprofit organization which maintains a list of qualified arbitrators. In addition, the Association acts as a professional association concerned with the ethics and rules governing the use of arbitrators. In addition, the Association acts as a professional association concerned with the ethics and rules governing the use of arbitrators. In addition, the American Arbitration Association is an impartial nonprofit organization which maintains a list of qualified arbitrators.
Discuss specific examples of clauses from collective bargaining agreements which illustrate issues frequently decided by the arbitration process:

(Ref. B, pp. 8-10)

During the discussion, be sure the following questions are answered:

1. What is to be arbitrated?
2. What is to be included and excluded?
3. How is the arbitrator appointed?
4. How is his authority defined?
5. Where will the arbitration occur?
6. When will the arbitration begin?
7. When will the award be made?
8. When will the award be received?
9. Where will the award be delivered?
10. Who administers the arbitration process?
11. Who pays for the arbitration service?

BACKGROUND INFORMATION

According to a study conducted by the Federal Mediation and Conciliation Service in 1962, the following are the issues most frequently decided by arbitrators, in rank order from most to least:

1. Discipline and disciplinary action
2. Job evaluation and work loads
3. Arbitration, jurisdiction, and grievance
4. Pay for time not worked
5. Vacations and holidays
6. Seniority in promotion
7. Guaranteed employment
8. Job classification and work assignment
9. Guaranteed employment
10. Job classification and work assignment

Incentives, job security, working conditions, and grievances are frequently decided by arbitrators, in rank order from most to least.

The process can have a variety of forms, but there are two differing parties, either side needs when we consider that there are hundreds of thousands of labor agreements, we can see how the process has a variety of forms.
Issues Frequently Excluded from Arbitration

Mechanics of Grievance Arbitration

Necessary Conditions

Selection of an Arbitrator

The Stipulation, a Written Statement to the Arbitrator

The Hearing

INSTRUCTIONAL SUGGESTIONS

Discuss specific examples of issues which are frequently excluded from arbitration.

(Ref. B, pp. 10-23)
The Arbitration Award (6)

The arbitration award is a written statement prepared by the arbitrator of his decision on each point at issue, that is, a statement of who won. Most arbitrators also add their opinion in which they state the underlying reasons for their decision. The opinion is very important for both parties because they are told why a certain decision was made. They can use the information to help them to decide how to behave in the future.

The contract language should be clear and unambiguous: It may be selected words and their context have to be carefully chosen. Thus, words and their context have to be carefully selected. The company shall make reasonable provisions for the safety and health of employees. Wearing apparel to protect employees shall be provided by the company in keeping with prevailing practice. Specific language is preferred over general terms. Also, saying one thing may exclude another. Thus, words and their context have to be carefully selected. The company shall make reasonable provisions for the safety and health of employees. Wearing apparel to protect employees shall be provided by the company in keeping with prevailing practice.

To Reach a Decision

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BACKGROUND INFORMATION

In formal or even in more informal procedures an arbitration hearing is something like a court case and the arbitrator like a judge and stands ready to reach a decision. To reach a decision both parties are given the opportunity to present their case and to rebut points made by the other party. In all cases, it is the arbitrator who decides exactly how he will conduct the hearing, that is, either formally or informally. The statements or briefs of both parties usually sum up their position or position. The arbitrator then decides what he will do. He may conduct his own hearing or have an expert conduct a fact-finding hearing. The arbitrator may hear the case in an informal setting, or he may conduct a more formal proceeding. He may even conduct a hearing on his own with no one present.
Intent of the Parties (6)  
Custom and Past Practice (6)  
Equity and Fairness (6)  
Actual Cases (6)

INSTRUCTIONAL SUGGESTIONS
Discuss if day workers would be entitled to the same privilege in the following statement.

"Nightshift workers will be given 20 minutes from their regular shift for eating lunch, at the convenience of the Company."

Duplicate and distribute to class members a number of actual cases that went to arbitration. Have students practice the analytical skills required of an arbitrator by arriving at their own decision. Compare student's decision with that of the arbitrator in each case.

BACKGROUND INFORMATION
Arbitrators sometimes try to determine intent. Where the language is ambiguous, arbitrators may sometimes try to find an answer that is "reasonable and fair," which is difficult to accomplish. Where the language is ambiguous, arbitrators may sometimes try to accept some practice in the past. This standard is important, particularly if both parties have been encouraged for 20 years.

Arbitrators sometimes try to determine intent.

Case 1 (Ref. A)

The arbitrator in each case compared with that of the company with regard to custom and past practice. Their decision was based on analyzing the nature of the practice and the antecedent skill mix. The arbitrator pointed out that the law states that the parties have the right to determine the nature of the practice.

The arbitrator compared the two cases and determined that the day workers were entitled to the same privilege as the nightshift workers.

Case 2 (Ref. 4, pp. 11-12, Case #2)

A company refused to reverse the supervisor's action, which was to fire an employee for writing numbers on a wall in the company lockeroom. An employee was caught writing numbers on the wall in the company lockeroom. When questioned, he freely admitted that he was a bookie. He was fired and thought the company's action very unfair. He immediately filed a grievance. When the company refused to reverse the supervisor's action, the case went to arbitration.

Determine if day workers would be entitled to the same privilege as the nightshift workers.

Duplicate and distribute to class members a number of actual cases that went to arbitration. Have students practice the analytical skills required of an arbitrator by arriving at their own decision. Compare student's decision with that of the arbitrator in each case.

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Arbitrators sometimes try to determine intent.
Can an employee be fired after having followed a policy of leniency?

Finally, went to arbitration. (Ref. A, p. 104, Case #99).

Firing the employee, the employer appealed the decision and the case went to arbitration again. This time the company's attorney and the employee were present when the action was continued. He was given a warning note and the decision was upheld. His superior said that his actions on several occasions and the behavior of the employee and the employee's actions on the job had led to the decision. The company then went to arbitration.

The company said it had never had an employee who was fired back. It was an employee who had been reprimanded and the decision was overturned. The company then went to arbitration.

Can an employee be required to work overtime?

The foreman announced that he would need 20 men to work the overtime job. Of the men assigned to the overtime job, 14 showed up. The remaining men were given a 5-day layoff. The men appealed the decision and the case went to arbitration.

The foreman said they would not be available. The 14 men did not show. The foreman announced he would need 20 men to work the job.

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Can an employee be required to work overtime?
Grievances

UNIT 14
GRiEVANCES
Explains how controversies arising from disagreements about employer discipline or interpretation or application of the collective agreement or organizational justice procedures are handled by a grievance procedure.

OBJECTIVES
At the completion of this module students will be able to:

1. List the major reasons why employers may have the right to discipline employees and why collective agreements provide for a grievance procedure.
2. Enumerate and explain the principles underlying modern grievance procedures.
3. Enumerate and explain the principles underlying modern disciplinary procedures.
4. Describe the grievance procedure.
5. Discuss the rights of employees and employers to be heard.

CONTENT

7 Describe the grievance procedure.
6 Distinguish common causes of grievances and complaints.
5 Discuss the difference between grievances and complaints.
4 Describe the grievance procedure.
3 Enumerate and explain the principles underlying modern disciplinary procedures.
2 Enumerate and explain the principles underlying modern disciplinary procedures.
1 List the major reasons why employers may have the right to discipline employees and why collective agreements provide for a grievance procedure.

REFERENCES

(B) Stiecher, Sumner, Healy, James, & Livernois, E.R. Background information. 1960.

BACKGROUND INFORMATION

It is generally agreed that management should have the initiative to make decisions about how, when, and where work will be performed.

The rules, management must be able to correct such wrongdoing.

management must have the right to correct those who violate the rules, and since it is inevitable that some persons will break the rules, management must have the right to correct those who violate the rules. In all normal circumstances, to run the organization efficiently, common practice also suggests that employers can expect to be obeyed.

It is generally agreed that management should have the initiative to make decisions about how, when, and where work will be performed.
from Employees and To Use Disciplinary Procedures when Necessary (1)

Union's Right To Challenge an Appeal (1)

The Inevitability of Wrongdoing, Differences of Opinion, and Disputes at the Workplace

Corrective Justice (1)

Distributive Justice (1)

INSTRUCTIONAL SUGGESTIONS

Discuss with students to distribute justice equal and use it to show how complicated distributive justice questions are and how employees view these differently than others. (Ref. A, Chapter 8)

BACKGROUND INFORMATION

Unions generally agree that employers should have the right to discipline, providing it is for a "just cause." To ensure that management does not act unfairly or without a "just cause," the union has agreed to a system of appeal. This system provides that employees have the right to challenge management decisions when disciplinary actions are taken. From the writings of Aristotle and modern social scientists, we learn that there have been disputes about who gets what rewards (wages, promotions) and differences of opinion about who gets how much reward (wages, promotions). In other words, there are many situations where there have been disputes of opinion about who merits what rewards or promotions. Furthermore, an agreement can be and is violated by either one of the parties. Human beings are not perfect, either at work or at home. Almost inevitably, no matter what decision is made, there can be and are different views of the correctness of the decision. The point to emphasize here is that there is always a need for correction. The decision is made, there can be and are differences of opinion about who merits what rewards or promotions. In other words, there is always a need for correction. Corrective justice refers to the need to correct or remedy a mistake.

Process including orderly procedure and review. Justice (or discipline) must meet publicly accepted standards of due process. If violations occur, there is always the question of whether the decision was correct, appropriate, and corrective in nature. From the writings of Aristotle and modern social scientists, we learn that there have been disputes about who gets what rewards (wages, promotions) and differences of opinion about who gets how much reward (wages, promotions). In other words, there are many situations where there have been disputes of opinion about who merits what rewards or promotions. Furthermore, an agreement can be and is violated by either one of the parties. Human beings are not perfect, either at work or at home. Almost inevitably, no matter what decision is made, there can be and are different views of the correctness of the decision.

Throughout the life of the collective agreement, the key to an amicable and mature labor management relationship is the existence of management and union's acceptance of the grievance procedure. To the union, the grievance procedure is the key to an amicable and mature labor management relationship. If violations occur, there is always the question of whether the decision was correct, appropriate, and corrective in nature. From the writings of Aristotle and modern social scientists, we learn that there have been disputes about who gets what rewards (wages, promotions) and differences of opinion about who gets how much reward (wages, promotions). In other words, there are many situations where there have been disputes of opinion about who merits what rewards or promotions. Furthermore, an agreement can be and is violated by either one of the parties. Human beings are not perfect, either at work or at home. Almost inevitably, no matter what decision is made, there can be and are different views of the correctness of the decision.
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then the rule is not fair and proper. An equation illustrating distributive justice may be expressed as

\[
\frac{A}{B} = \frac{C}{D}
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where

* A: Rewards - Costs
* B: Investments
* C: Rewards - Costs
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A table showing the relationship between rewards and investments:

<table>
<thead>
<tr>
<th>Investments</th>
<th>Rewards - Costs</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>B: Investments</td>
<td>Rewards - Costs</td>
<td>C</td>
</tr>
</tbody>
</table>

INSTRUCTIONAL SUGGESTIONS

Have students consider the following items about a worker's viewpoint:

Rewards related to a job (wages, satisfaction, advancement)

Costs or negative aspects of a job (danger, hard labor, boredom, discomfort)

Investments in a job (time, training)

Have students also consider the above items from the viewpoint of the employer and then from the viewpoint of society in general.

Have students suggest other rules that should be used. Why have students suggested these rules?

If some persons are punished and others are not for similar offenses, all persons will lose respect for the usefulness of the rule or of the law.

Providing equal treatment for all is a basic principle of modern disciplinary procedure. Rules and regulations designed to enforce discipline must be fair and proper. A rule should not be enforced unless it is the only right and proper way to enforce discipline in the workplace.

Before any disciplinary action is taken, it is only right and proper that punishable offenses and potential penalties for misbehavior be stated in writing. See description of the wide variety of actions for their particular jobs. Work rules and regulations. disciplinary action is taken, it is only right and proper.

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The Punishment, or Correction, Should Fit the Crime.

(2) "Hot Stove" principle

Fact Finding Prior to Disciplinary Action (2)

Corrective Action (punishment used as a last resort)

Written Records Required (2)

Discipline Should Emphasize the Positive (2)

BACKGROUND INFORMATION

Standard operating procedure in American industry is to use a sliding scale of penalties, ranging from an oral warning, a written warning, fines, layoffs to the ultimate penalty of discharge. The concept is that discipline should follow the act the way consequences follow when a person touches a hot stove.

Unless you are a child under 1-year old, you know in advance what will happen. A hot stove burns you. You know the burn and the pain is immediate. Unless you are a child under 1-year old, you know in advance what will happen. A hot stove burns you. You know the burn and the pain is immediate. Unless you reach the discipinarily action is taken. The particular facts and extenuating circumstances must be assessed. If, by counseling or education, an individual offender changes his behavior, there would seem to be relatively little need to mete out punishment. The important question is, what will a given disciplinary action mean in regard to future behavior? The important question is, what will it mean to an individual offender? When you reach the hot stove, the burn and the pain is immediate. Unless you are a child under 1-year old, you know in advance what will happen. A hot stove burns you. You know the burn and the pain is immediate. Unless you reach the discipinarily action is taken. The particular facts and extenuating circumstances must be assessed. If, by counseling or education, an individual offender changes his behavior, there would seem to be relatively little need to mete out punishment. The important question is, what will a given disciplinary action mean in regard to future behavior?

At all points in the procedure, it is essential that written records be kept. If a person is warned of an infraction, a record is necessary, particularly if there is a next time. Rather than seeking to penalize offenders, management is well advised to analyze the causes of undesirable conduct and to emphasize positive incentives which might encourage employees to conform to established rules and regulations. Rather than seeking to penalize, management should seek to encourage employees to conform to established rules and regulations.

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Principles of Modern Grievance Procedure

Application of "Due Process." (3)

"Just Cause" for Imposing Discipline (3)

Suspension Pending Investigation (for serious offenses) (3)

Settle Grievances Promptly (3)

Proper Grounds for Corrective Discipline

BACKGROUND INFORMATION

In the U.S. Bill of Rights, citizens are protected against the arbitrary exercise of power by specific procedures and safeguards. The concept of due process usually includes the right of all parties to be heard, the right to confront accusers, the right to be represented by counsel, the right to remain silent, the right to have a record of proceedings, and the right of appeal. A record of proceedings, and the right of appeal, sent by counsel, the right to counsel, the right to counter accusation, the right to be heard, the right to confront accusers, the right to be represented by counsel, and the right to have a record of proceedings are procedural safeguards. The concept of due process usually includes the right to all parties. The exercise of power by specific procedures and safeguards is an obvious requirement to any disciplinary process.

Most agreements specify both the procedure and time limits for processing grievances through each step of the process. Getting the facts is an obvious requirement to any disciplinary action.

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Primary categories of employee shortcomings include:

1. Failure to perform up to prescribed standards - incompetence
2. Absenteeism
3. Late or tardy arrivals
4. Irregular behavior or attitude
5. Repeated violations of company rules or policies
6. Negligence

In the U.S., Bill of Rights, citizens are protected against the arbitrary exercise of power by specific procedures and safeguards. The concept of due process usually includes the right of all parties to be heard, the right to confront accusers, the right to be represented by counsel, the right to remain silent, the right to have a record of proceedings, and the right of appeal. A record of proceedings, and the right of appeal, sent by counsel, the right to counsel, the right to counter accusation, the right to be heard, the right to confront accusers, the right to be represented by counsel, and the right to have a record of proceedings are procedural safeguards. The concept of due process usually includes the right to all parties. The exercise of power by specific procedures and safeguards is an obvious requirement to any disciplinary process.

"Just Cause" for Imposing Discipline (3)

Suspension Pending Investigation (for serious offenses) (3)

Settle Grievances Promptly (3)

Proper Grounds for Corrective Discipline

BACKGROUND INFORMATION

In the U.S. Bill of Rights, citizens are protected against the arbitrary exercise of power by specific procedures and safeguards. The concept of due process usually includes the right of all parties to be heard, the right to confront accusers, the right to be represented by counsel, the right to remain silent, the right to have a record of proceedings, and the right of appeal. A record of proceedings, and the right of appeal, sent by counsel, the right to counsel, the right to counter accusation, the right to be heard, the right to confront accusers, the right to be represented by counsel, and the right to have a record of proceedings are procedural safeguards. The concept of due process usually includes the right to all parties. The exercise of power by specific procedures and safeguards is an obvious requirement to any disciplinary process.
An employee suggests that he lost a promotion to a less qualified person.

An employee is discharged for negligence.

An employee argues that his pay is $24 less for this period than it should be.

(Ref. B, Chapter 23; Ref. C, Chapter X)

BACKGROUND INFORMATION

Some typical examples of grievances include:

- Wages - pay is less than others doing similar work
- Management - supervisor is playing favorites
- Seniority - company records on my seniority are wrong
- Safety - working conditions are unsafe
- Security - company records on my sanitation are wrong
- Management - supervisor is playing favorites
- Wages - pay is less than others doing similar work

The Grievance Procedure

Use a film such as "The Grievance Procedure" to show how the procedure operates. Both films may be rented from the Audio-Visual Center, NYSSILR, Cornell U., Ithaca, N.Y. 14850.

1. The union steward and aggrieved employee, or the employee alone, present the grievance to the first level supervisor of the unit in which the employee works. If no satisfactory solution is reached after investigation by the supervisor, the grievance goes to the next step.

2. The union business agent, steward, or chairman of the grievance committee presents the case to a higher than supervisor level of management. If no satisfactory solution is reached, the grievance goes to the next step.

3. Representatives of the union meet with top management, and if settlement is not reached, the grievance goes to the last step.

4. The grievance then goes to arbitration, where a third party (arbitrator) has been given the authority by both labor and management to decide what should be done about the grievance. The union business agent, steward, or chairman of the grievance serves as the union's representative at this step. Both films may be rented from the Audio-Visual Center, NYSSILR, Cornell U., Ithaca, N.Y. 14850.

5. The grievance goes to arbitration, where a third party (arbitrator) has been given the authority by both labor and management to decide what should be done about the grievance. The union business agent, steward, or chairman of the grievance serves as the union's representative at this step.

The Grievance Procedure

The Grievance Procedure protects the rights and interests of all parties.

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Primary Categories of Employee Shortcomings (4)

Common Law on Proper Employee Behavior (4)

A Grievance is a charge that the union-management contract has been violated. The essence of a grievance is a charge that the union-management contract has been violated. According to the late Professor Slichter of Harvard, "the essence of a grievance is a charge that the union-management contract has been violated." According to Slichter, Healy, and Livernash, the following are common causes of grievances:

- Inappropriate conduct
- Sabotage
- Absenteeism
- Drinking on the job
- Disobedience
- Negligence
- Sabotage
- Absenteeism
- Insubordination

In general, however, most employers and most labor contracts will not tolerate the following:

- Violation of the collective bargaining agreement
- Violation of published rules - personal misconduct
- Insubordination
- Absenteeism
- Drinking on the job
- Disobedience
- Negligence
- Sabotage
- Absenteeism
- Insubordination

According to the students, the following situations constitute formal grievances:

1. An employee gripes that his supervisor always gives him the dirty jobs.
2. An employee gripes that his supervisor always gives him the dirty jobs.
3. An employee gripes that his supervisor always gives him the dirty jobs.
4. An employee gripes that his supervisor always gives him the dirty jobs.

There is no single master list of rules and regulations for all employment situations. In general, however, most employers and most labor contracts will not tolerate the following:

- Insubordination
- Absenteeism
- Drinking on the job
- Disobedience
- Negligence
- Sabotage
- Absenteeism
- Insubordination

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4. An employee gripes that his supervisor always gives him the dirty jobs.

Discuss with the students the following:

1. An employee gripes that his supervisor always gives him the dirty jobs.
2. An employee gripes that his supervisor always gives him the dirty jobs.
3. An employee gripes that his supervisor always gives him the dirty jobs.
4. An employee gripes that his supervisor always gives him the dirty jobs.

Background Information

Violation of published rules - personal misconduct

Instructional Suggestions

Discuss with the students different types of work rules they have encountered in their work situations. Have them indicate which rules they consider appropriate and those that were inappropriate and why.

Discuss with the students the following:

1. An employee gripes that his supervisor always gives him the dirty jobs.
2. An employee gripes that his supervisor always gives him the dirty jobs.
3. An employee gripes that his supervisor always gives him the dirty jobs.
4. An employee gripes that his supervisor always gives him the dirty jobs.