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Research and Training Institute
NATIONAL CENTER ON EMPLOYMENT OF THE HANDICAPPED AT
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Albertson, NY 11507

Working With Unions

A Rehabilitation Resource Manual

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WORKING WITH UNIONS

A Rehabilitation Resource Manual

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A Project PREP Publication

Research and Training Institute

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PREFACE

This manual contains practical recommendations to help persons with disabilities enter or remain in the work force by using the combined resources of organized labor and the rehabilitation community. Suggestions are offered to facilitate cooperation among employers, rehabilitation agencies, and persons with disabilities to achieve the goals of rehabilitation.

Special emphasis has been given to the methods used by unions to provide job-related assistance. The manual demonstrates how unions can be effective in aiding workers with disabilities to retain their jobs and how unions can contribute to rehabilitation by returning to the work force members who have had to withdraw from it as the result of a disability.

Misunderstanding and lack of information often separate labor and rehabilitation thus preventing cooperation. However, there are many points of shared interest between labor and the rehabilitation community which have not been adequately identified. Increasing the involvement between the two and eliminating misconceptions will increase the likelihood of their achieving shared goals.

INTRODUCTION

This resource manual has been compiled to serve as a learning tool for individual or group study. It provides information needed for the development of a program that focuses on working relationships between vocational rehabilitation and organized labor.

The objectives of the manual are to help the reader:

1. Become familiar with the need for developing working relationships between organized labor and vocational rehabilitation and the benefits that result from such a relationship.

2. Identify possible linkages between vocational rehabilitation and organized labor.

3. Become familiar with the history and present role of organized labor.

USERS' GUIDE

This resource manual is intended to be used in a flexible manner, as a self-study instrument and an aid to those interested in group training.

The manual is divided into five sections. Each section provides learners with an abundance of core subject matter and is concluded with "Suggested Training Activities for Subject Matter Delivery" that can be used with a group to reinforce self-study.

The sample program outline that follows has been provided to demonstrate how a complete training program, using the resources in this manual, can be organized for presentation.

Program Outline	Trainer/Training Activities
GENERAL INTRODUCTION	After inroductions, open the session by giving a general overview of the program. Write the rationale for the training program by preparing a brief statement on the need for developing working relationships between vocational rehabilitation and labor unions. The articles provided in Section I of this manual address some of the subjects concerning this topic. Be sure to include the impact of affirmative action legislation on unions.
PROGRAM OBJECTIVES	A list of five program objectives are provided in the Introduction corresponding to the subjects in this manual. If all subject areas are to be covered in the training program, then all objectives should be reviewed with participants. Note: Below are listed the subjects covered in this manual. Select from the

(continued)

Program Outline	Trainer/Training Activities
	list the topics to be presented in the training program, and include them in the outline for participants.
TOPIC: ORGANIZED LABOR AND THE DISABLED	Section I provides the rationale for developing working relationships between organized labor and vocational rehabilitation and the benefits that result from such relationships. Suggested training activities can be found on page 14.
TOPIC: HISTORY OF ORGANIZED LABOR	Section II provides information on the origin of organized labor--early unions. Suggested training activities can be found on page 25.
TOPIC: EXPANDED EFFORTS OF ORGANIZED LABOR--GROWTH OF UNIONISM	Section III focuses on the work site and social conditions that affected the structure and function of unions in general. Suggested training activities can be found on page 50.
TOPIC: THE ROLE OF ORGANIZED LABOR TODAY	Section IV outlines the structure and expanded functions of unions today. Suggested training activities can be found on page 70.
TOPIC: DEVELOPING WORKING RELATIONSHIPS	Section V provides information that suggests and supports the development of working partnerships between organized labor and vocational rehabilitation, the goal being employment of the handicapped. Suggested training activities can be found on page 84.
SUMMARY	Prepare a brief statement summarizing the need to establish rehab-union relationships and the resulting benefits for the disabled applicant/worker. Emphasize key points covered in the program. Suggested training activities can be found on page 92.
	Note: Additional resources, such as a film list, books and publications relevant to overall topic, and special articles, have been provided in the Appendices, starting on page 93.

SECTION I

ORGANIZED LABOR AND THE DISABLED

OVERVIEW

This section discusses the numerous benefits to be gained from increased involvement of unions with the rehabilitation community. Neither unions nor rehabilitation agencies can achieve rehabilitation and affirmative action goals alone. From labor's standpoint, increased cooperation should result in improved services to members who have disabilities. There is also the possibility of reducing the drain on union insurance funds by maintaining or returning to the work force persons who are disabled. From the standpoint of rehabilitation agencies, increased cooperation can result in union assistance in handling and placing agency clients and providing a new source of training expertise. These and other benefits are outlined in the folowing section.

ABSTRACTS OF RESOURCES IN THIS SECTION

Miller, J.D., Enteen, R., Herman, R., & Tramm, M. Chapters 1 and 3, adapted from Affirmative action for the disabled. A how to manual for labor unions. Developed by the Amalgamated Clothing and Textile Workers Union AFL-CIO. Project coordinated by the regional Rehabilitation Research Institute of the Industrial Social Welfare Center, Columbia University School of Social Work, New York, 1979.

Many types of organizations have an interest in rehabilitation and affirmative action. Each has special resources which can be applied to the achievement of rehabilitation and affirmative action goals. The material shows how unions also have unique resources which make possible a special contribution to the rehabilitation process.

Enteen, R., Herman, R., & Tramm, M. A guide for labor's involvement with handicapped individuals (Unpublished manuscript). Disability Research Project, Amalgamated Clothing and Textile Workers Union, AFL-CIO, New York, 1979.

This material provides specific suggestions for educating both rehabilitation and labor toward the goal of employment for persons with disabilities.

Miller, J.D. New focus on the handicapped. Reprinted from the AFL-CIO American Federationist, January 1978.

Union educational programs can provide great opportunity to increase employer acceptance and responsiveness to the needs and abilities of persons with disabilities. This article describes the role that labor can play in modifying attitudes toward persons with disabilities.

Affirmative Action for the Disabled
A How To Manual for Labor Unions*

Joyce D. Miller, Robert Enteen,
Roger Herman, Madeleine Tramm

What can labor offer?

Unions like other types of organizations interested in disabled people, have unique resources which make possible their special contribution.

Perhaps the most important of these is the bond of trust linking unions and their members--a bond which explains members' acceptance of their unions as chief sources of useful information and advice. Union members represent a sizable percentage of this country's population. Many of these people are now or may become disabled. They need information about the prevention and treatment of disabilities, about rehabilitation possibilities available in their unions or communities, and about matters which often arise or become more urgent when disability occurs, such as family finances, insurance, and social services.

Members and their families also represent a significant proportion of the "general public" whose attitudes and actions can increase or limit life opportunities for the disabled. They need information which will create or reinforce positive attitudes toward the disabled (for example, that they generally make excellent co-workers), and which will teach them how to interact more comfortably with blind, deaf, wheelchair-bound, and other disabled individuals. Union resources, such as education programs, and newspapers or newsletters, can be used to direct such essential rehabilitation and affirmative action information to this enormous audience.

Union health, insurance, and social service programs can be extrememly effective in providing or obtaining services for disabled members or dependents who are new entrants into organized industries.

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*From Affirmative Action for the Disabled: A How to Manual for Labor Unions (Chapters 1 and 3), by Joyce D. Miller, Robert Enteen, Roger Herman, Madeleine Tramm. Coordinated by the Regional Rehabilitation Institute of the Industrial Social Welfare Center, Columbia University School of Social Work. Copyright © 1979 by the Amalgamated Clothing and Textile Workers Union. Reprinted by permission of the Amalgamated Clothing and Textile Workers Union.

Unions can aid in lobbying for needed federal, state, and local legislation, as they represent large and active political constituencies. Then, too, in their formal (collective bargaining) and informal relations with employers, unions have special power and legitimacy as the primary representatives of the interests of millions of workers. As a result, they are in a unique position to protect and increase employment rights and opportunities for disabled workers.

Union staff and rank-and-file members have a working familiarity with a tremendous variety of industries, employers, specific jobs (including the essential physical and mental traits required to do them), and current and expected employment opportunities in particular localities and industries. This resource of knowledge, technical expertise, and entre can be extremely useful to rehabilitation agencies interested in improving their job training and job placement of disabled people.

These and other union resources which can be applied to the achievement of rehabilitation and affirmative action goals, together with detailed suggestions and examples for using them, will be found in Chapters II and III of the guide.

Incentives: Why should unions be involved?

Principal responsibility for affirmative action rests with employers. This is not unreasonable, as they have authority over most hiring decisions. Moreover, many unions already provide health services and disability insurance benefits to their disabled members or dependents. Why, then, should labor increase its involvement with, and on behalf of, disabled people?

In the course of the ACTWU's Disability Project, we have identified a number of important benefits to be gained by labor from an increased commitment to rehabilitation and affirmative action:

Unions of employers covered by the federal Rehabilitation Act of 1973 have at least an indirect legal obligation to conform to affirmative action requirements. This obligation has the potential to affect existing and future collective bargaining agreements, as well as less formal union-management agreements. For example, one legal journal has noted that:

> "The regulations to Section 503 require employers (who are federal contractors or subcontractors) to notify labor unions of the contractor's obligation to take affirmative action towards the handicapped and to make a reasonable accommodation, which includes job restructuring and time schedule modifications. Although labor unions are not directly required to take affirmative action, union-management agreements will not be justified barriers to restructuring a job to accommodate a handicapped person.
>
> "Since the duty to make reasonable accommodation is also imposed on 504 employers (those institutions, such as schools and hospitals, which receive federal monies), they, too, will be obligated to insure that labor unions do not hinder the hiring or advancement of handicapped persons. Moreover, the 504 regulations require that employers not 'participate in a contractual or other relationship that has the effect' of

subjecting qualified handicapped applicants or employees to discrimination. Section 504 specifically provides that an employer's obligations are not obviated by any inconsistent term of any collective bargaining agreement to which the employer is a party." (AMICUS, publication of the National Center for Law and the Handicapped, Vol. 2, No. 5, September 1977, pp. 44-45.)

Rehabilitation and affirmative action are matters of right and entitlement. They are consistent with labor's traditional concern for individual rights and social welfare.

Protecting and promoting the employment rights of any one group of workers strengthens the employment rights of all workers. Moreover, in some cases disabled workers may be particularly in need of union protection and support: the employment barriers they encounter due to negative attitudes and misconceptions make it especially difficult for them to find or keep a job.

Many disabilities (for example, heart conditions, arthritis, hypertension) tend to occur more frequently with increasing age, and to the older worker--the older member--unions owe a special obligation. In addition, older workers tend to have the greatest vocational difficulties, especially following a disability. Thus, it is often the older worker who is most in need of union assistance.

Rehabilitation is a means of maintaining valuable experienced members in the workforce, or returning them to it. Affirmative action is a means of bringing well-trained and qualified workers into the labor market. These are especially important considerations in relation to highly skilled jobs, and in those industries where it is difficult to find new job entrants.

Many union members and their dependents are already disabled; all are subject to becoming disabled. The greater the awareness and involvement of unions with rehabilitation, the greater the assistance they will be able to make available to their disabled members or their families. Relatedly, rehabilitation is an additional and valued service.

The onset of disability can cause problems at the workplace (for example, increased absenteeism). Rehabilitation, which prevents or reduces those problems, makes for better relations with the employer, and fewer difficulties for the shop steward or business agent.

Many rehabilitation experts claim that rehabilitation more than pays for itself through the increased worklife of the disabled person. Thus, the reduced health and disability insurance costs and lower disability pension costs which could result from rehabilitation efforts could help to protect union insurance funds from depletion. Relatedly, savings obtained in this way could be used as a negotiating point to increase member benefits in other areas.

Some disabled consumers and rehabilitation professionals are

critical of unions. Often, their criticisms are due to misconceptions or lack of information (for example, the mistaken belief that unions control the hiring process, and are therefore responsible for the widespread employment discrimination confronting disabled people). An increasingly visible union involvement in rehabilitation and affirmative action can improve the relations between labor and these groups by improving dialogue between them and eliminating misconceptions.

Lastly, such misunderstandings separating labor and disabled people are particularly unfortunate because of their great potential to work as allies. The disabled community, like organized labor, represents millions of individuals. In recent years, they have become increasingly vocal and politically active. There are many points of natural shared interest between labor and the disabled community, but which have not yet been adequately identified. Two major issues of this kind are the attainment of a true full employment economy, and the passage of a comprehensive national health insurance program. Increased involvement and improved relations between labor and disabled consumers (for example, through the development of coalitions) will vastly increase the power of these groups, and the likelihood of their achieving shared goals.

A Guide for Labor's Involvement with Handicapped Individuals* (Unpublished Manuscript)

Robert Enteen, Roger Herman, Madeleine Tramm

EDUCATION

Labor Education for Vocational Rehabilitation:

There are many areas in which labor can provide information and technical assistance to vocational rehabilitation professionals. Education of the kind described below can be important in view of the misconceptions which occasionally cloud relations between the two sectors, and the resulting lost opportunities. Many vocational rehabilitation counselors never think of working with unions, or consciously avoid approaching them, due to the lack of knowledge of how and whom to approach, or lack of awareness of their potential as allies. The following should be regarded as merely suggestions for establishing a link between rehabilitation and unions. It should be kept in mind that differences will exist in the operating procedures and rules that each union must follow.

Regional, state, or local labor bodies, representatives of the Federation's HRDI, Education, or Community Services programs, college labor education programs, and the education departments of individual internationals, can develop and coordinate training programs for vocational rehabilitation officials and counselors. Training can include:

. . . the organizational structure of the AFL-CIO, as well as of individual unions;
. . . current union legislative and industrial priorities;
. . . labor's position on major issues in affirmative action for handicapped individuals;
. . . basic labor terminology, and identification of key roles (e.g., that of the "business agent");
. . . local and regional labor office addresses and individual contacts, through the development and distribution of labor directories;
. . . the nature of contractual and other (including informal) union-management agreements, and how these might prove useful in achieving rehabilitation and affirmative action goals;
. . . how best to approach and work with labor to achieve these goals.

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*From A Guide for Labor's Involvement with Handicapped Individuals (Unpublished manuscript), by Robert Enteen, Roger Herman, Madeleine Tramm. Reprinted by permission of the Amalgamated Clothing and Textile Workers Union.

Individual unions can arrange shop tours for local vocational rehabilitation counselors (especially placement counselors) and officials.

Vocational rehabilitation college training curricula, and agency orientation programs for newly employed counselors, can include: guest lectures representing labor, covering the topics mentioned above; rotating internships at relevant union departments and labor health centers; tours of unionized shops, and meetings with employers.

Counselors-in-training can be trained to understand the special requirements associated with providing services to various working class populations, e.g., ethnic and socio-economic factors (and the manner in which these affect worker receptivity to community agencies and services), or the presence of a work history.

Vocational Rehabilitation Education for Labor:

Federal and state rehabilitation agencies, organizations and associations can supply unions and the Federation with informational materials. Recipients can include union and Federation libraries, research and education departments, labor education centers of local colleges and universities, and union and AFL-CIO newspapers.

State vocational rehabilitation agencies can offer to contribute articles to individual union newspapers and newsletters. They might also offer to write a monthly "Q & A" column on disability and rehabilitation, to be syndicated by all interested labor periodicals in their state.

State agencies can offer technical assistance to union medical programs, insurance departments, business agents and shop stewards, workers' compensation lawyers, and union employers. Each agency should make clear what services are available to occupationally injured or diseased workers.

Agencies can provide state and local labor bodies, and individual unions, with directories of agency offices, including addresses, telephone numbers, and contact persons.

Agencies can offer to arrange and escort Federation and union representatives on tours of rehabilitation agencies and facilities. They can also offer to develop brief rotating internships at rehabilitation centers for selected union staff members, e.g., those working in education, on labor newsletters, or in union social service or health departments.

Agencies can offer to supply speakers, materials, and audio-visual aids for all local union meetings, meetings of social service committees, or special training programs. It might prove particularly desirable to determine in advance of such meetings the disabilities most prevalent within the union, and to include expert speakers on these subjects, as well as peer speakers with these conditions who have successfully been rehabilitated.

LABOR SPONSORSHIP OF VOCATIONAL REHABILITATION

Among Employers:

Unions can serve as liaisons between vocational rehabilitation

professionals and employers. Where union-management relations are good, unions can provide entre to employers.

Unions can assist VR in follow-up of placements, in attempts to resolve problems, or in assisting in accommodations. (It seems likely that union-initiated efforts at accommodation will prove more acceptable to employers than allowing government representatives to enter their plants).

Within Their Own Membership:

Unions can engage in early identification and referral of handicapped workers, thereby increasing the likelihood of rehabilitation success. They can collect basic case information, e.g., medical records, waivers, work history, and job analysis information, in advance of referring a worker to VR. This can speed the VR intake process, thereby freeing the VR counselor for other work. At the same time, reduced delay before intake can increase worker interest in rehabilitation.

Unions can reinforce a counselor's therapeutic efforts, e.g., by encouraging a worker to adhere to a prescribed rehabilitation program.

Within the Labor Movement:

Every international union, and the AFL-CIO, can have at least one staff person specially trained to serve as a rehabilitation liaison. In part, these persons can have responsibility for promoting rehabilitation within their organizations.

Every labor education program can actively recruit handicapped students and teachers. Curricula should include courses or lectures concerning labor and vocational rehabilitation.

Various rehabilitation agencies, facilities, and councils have developed materials and action recommendations that are of potential value to unions. Individual unions and the AFL-CIO can help to disseminate these more widely within the labor movement and to encourage their use.

LABOR AS A LOBBYING ALLY

Unions and the Federation can lobby for increased funding of VR systems to ensure more adequate staffing, facilities and services.

VR SERVICE PROVISIONS TO UNIONS

Some Basic Principles:

. . . Unions are membership organizations. Not unreasonably, their primary responsibility is to their present members, rather than to handicapped job-seekers.

. . . Vocational rehabilitation is not a traditional union concern. Thus, unions will not necessarily or immediately accept offers of rehabilitation services. A rehabilitation agency

may be seen as "just one more government agency." Thus, rehabilitation professionals must demonstrate that they are prepared to help, to take problems off the hands of union staff people, rather than add to them.

. . . Trade unionists are generally practical, busy, direct, and suspicious of "do-gooders," social agencies, government intervention, and agency instrusions into the work place.

. . . The speedier the service provided, the more confidence and less skepticism it will generate among unionists. Moreover, word will spread among other workers and stimulate their receptivity to services.

. . . Union staff will want to know what is and is not being done for a member, and why. The VR counselor must do adequate follow-up and be reasonably accountable to the union.

Recommendations:

All vocational rehabilitation intake forms can include questions to determine whether a client (or prospective client) is or has been a union member or is a dependent of a union member. Where this is the case, the counselor can ask for permission to contact the union and, if it is given, ask who can be contacted, and how and where contacts should be made.

Requests to the client's business agent for advice or assistance will be of potentially great value in placement and accommodation efforts.

The bulk of union referrals to community health and welfare agencies come from full-time AFL-CIO Community Services Representatives and the nearly 100,000 "union counselors" trained by the Federation. Rehabilitation counselors can identify and meet with these labor representatives in their areas to share information about each other's functions, and to develop special referral systems. Periodic meetings can be held to evaluate referral arrangements, and to explore methods of improving them.

VR can supply local unions with copies of agency referral and intake forms, or with descriptions of information and records that would be useful in speeding the intake process. Wherever possible, unions could then attempt to collect basic case information prior to the agency referral.

The agency can assign at least one staff person in each local area to become technical assistant to interested unions. For very large unions with a large continuing case load, or where there is an interested central labor council, the agency can consider assigning the technical assistant to work at the location of the union/council on a part- or full-time basis. (It is the authors' understanding that there is successful precedent for this.)

The technical assistant should become knowledgeable concerning local unions, their industries, characteristics of their members, the most prevalent disabilities found within each union, member needs, key industry employers and employer associations, range of jobs, training programs, and future employment opportunities.

The technical assistant can be available for consultation on such matters as job restructuring, accessibility, and transportation.

Individual VR counselors might assist in the union case identification and intake processes in order to be more familiar

with the client populations of the unions and union jobs, to develop union and employer contacts, and to assist (by example) in the rehabilitation orientation of union staff.

Agencies can investigate union interest in utilizing VR money to fund short-term OJT programs to promote new handicapped placement.

Agencies can be prepared to provide special transportation to their facilities for those disabled workers who have transportation problems.

VR agencies can have bilingual counselors available in areas with large foreign-speaking client populations.

VR counselors can be available to handicapped workers during evening hours, or be willing to travel to the shops for lunch-hour interviews or meetings. This type of consideration can increase union and member impressions that the counselor truly wishes and is prepared to help, thereby increasing their receptivity to rehabilitation.

Speed of service will increase union and member receptivity. This is especially true in cases where a union can contractually protect a disabled member's job for a specified period while the member is away from the plant.

One final recommendation for labor-vocational rehabilitation cooperation concerns the development of a new staff position within state VR systems. The position can be entitled "State Labor and Industry Liaison."

NOTE: The following article, New Focus on the Handicapped, by Joyce D. Miller, is inserted with the permission of the AFL-CIO.

SUGGESTED TRAINING ACTIVITIES
FOR SUBJECT MATTER DELIVERY

Prepare a list of discussion stimulus questions for a "Round Table Group Discussion." This should be followed by a brief statement reinforcing the benefits to vocational rehabilitation and organized labor when a working relationship exists.

or

Invite a vocational rehabilitation representative whose agency is successfully involved with a union(s) working toward placement of job-ready applicants in union jobs.

Key Point--Seeking the cooperation of local unions increases the employment potential for the job-ready applicant and provides the rehabilitation professional with more up-to-date labor market information. In addition, contact with unions will open up the potential for rehabilitation clients to gain access to union sponsored training programs.

New Focus on the Handicapped

by Joyce D. Miller



The burgeoning of legislation designed to ensure, protect and promote job opportunities for the handicapped gives cause for optimism. So, too, does the increasing vocalism and activism of the handicapped themselves and the growing responsiveness of community public and private organizations. Unionists, along with many employers and other concerned groups and individuals, are developing new ways to proceed.

For decades labor has worked to achieve improved services and benefits for all workers and their dependents, including those with handicaps. Some unions have constructed professionally staffed and well-equipped health centers for members and their families. Among these are centers which provide programs of physical therapy, psychiatric evaluation and counseling, as well as referral to community vocational rehabilitation agencies.

Unions have successfully negotiated for comprehensive life, health and disability insurance programs. The New York Central Labor Council, through its Community Services Committee, has for 10 years conducted a counseling and referral service for disabled individuals. To date, this program has served more than 10,000 handicapped persons and their families. Now unions have begun to explore the development of programs which are primarily job-oriented, as a complement to their ongoing service and benefit-oriented efforts.

It is important to recall the axiom of the work world that "labor doesn't hire, and labor doesn't fire." The major responsibility for employing the handicapped ultimately rests with employers. Without the full support and cooperation of employers,

JOYCE D. MILLER, a vice president and director of social services of the Clothing and Textile Workers, is director of the union's study on "The Development of an Affirmative Action Program for Job Placement of the Severely Disabled."

000, but consultants from a Washington, D.C., nonprofit consulting firm showed them how to do it for less than $8,000. Thus, employers should inform themselves of sources of information on low-cost methods for meeting these requirements.

There are many benefits to employers by making such accommodations. For example, aside from the strictly legal consideration, it's good business to allow for a freer and safer movement of people into and within a place of business. Such features as automatic doors, wide passage-ways, easy-grip stair handrails, ramps with non-skid surfaces at building entranceways, and ample parking facilities, can provide easier access for customers as well as employees. Barrier-free planning and design, and the increased sensitivity to matters of safety which results from these, benefit everyone—not just the handicapped.

With regard to work-site accommodations, it has been reported that 95 percent of the disabled require no physical accommodations, and that the remaining 5 percent often require only simple changes such as lowering or raising desks or work benches, changing a foot pedal from the right to the left side, or attaching a special device to a telephone.

In addition management can restructure jobs as well as instituting flexible work schedules to allow handicapped workers to commute during non-rush hours. In certain situations, it might be possible for employers to permit a handicapped worker to trade tasks with another worker so that the two workers have the same combined productivity as before. Relatedly, handicapped workers could perform standard jobs in non-standard ways, such as sitting at a job usually performed standing up. There are recorded cases where a handicapped worker, permitted to restructure a task to accommodate his or her limitations, has developed an innovative technique which has benefited production and been adopted by other workers as well.

An often-expressed employer concern is that hiring the handicapped would increase claims and premiums for group hospital, medical, surgical, major medical, disability, and life insurance. Similarly, with regard to workers' compensation liability employers often assume that the handcapped are more prone to accidents than the non-handicapped, and that a second injury will increase the handicapped worker's degree of disability and hence the cost to the employer out of proportion to any new injury insurred. Rather than run the risk of unknown liabilities in this area, many employers feel strong pressure to reject handicapped applicants.

All available data and expert opinion dating back for at least two decades indicate that these employer concerns are unfounded. In fact, many studies have shown that handicapped workers have average or better attendance and safety records. It is entirely conceivable that some insurance costs could decrease by hiring larger numbers of such workers. Moreover, with regard to workers' compensation, most states now have "second injury" provisions which limit employer liability for new compensation claims for injured workers with prior disabilities. There is a responsibility to widely disseminate the above reassuring findings and opinions, as well as all legal requirements, to the business world. In addition, there should be an awareness of employer compliance with all legal requirements concerning benefits. Company pre-employment examinations and personnel practices should be motivated to ensure that otherwise qualified handicapped applicants are not rejected for employment due to concerns over insurance liability. The extension and expansion of life and health insurance benefits to all workers—handicapped and non-handicapped—are important goals.

The benefits of second injury legislation should be extended to all states, and the laws now enacted improved in order to extend their protection, first to a wider range of handicaps and aggravations of existing handicaps, and also to workers whose handicaps are non-compensation cases.

It is interesting to note that nothing is ever said about the cost of the Social Security disability program acting as a barrier to hiring the handicapped. This is because Social Security is a social insurance —it does not use experience rating. Therefore, employers do not fear that hiring the handicapped will affect their payroll contribution to the program.

This is a particularly important consideration in view of the current debate concerning a national health program. A number of proposed plans would require employers to purchase private health insurance through insurance companies permitted to use experience rating as a basis for setting their premium rates. Under this type of approach, employers might perceive a financial incentive to hire younger and healthier workers to hold down costs. Labor will work to insure that any national health program which is adopted does not act as a barrier to the hiring of the handicapped.

On the preventive side of the liability issue, there should be joint labor-management occupational safety and health committees established in all work places. Unions can work to ensure that employees have the right to refuse unsafe work without risk to their job security. Unsafe workplaces should be corrected, and access to government inspection reports should be open. There should be public disclosure on an annual basis of all work-related safety statistics. Also, workers should be educated in the recognition of occupational safety and health hazards in specific industries.

Labor can play a leading role in modifying attitudes toward the handicapped. Union educational programs —through labor newspapers, through their participation at conferences and in their wide-ranging community activities—provide great opportunity to increase public, including employer, acceptance and responsiveness to the needs and abilities of the millions of handicapped persons in our country.

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AFL-CIO American Federationist

SECTION II

HISTORY OF ORGANIZED LABOR

OVERVIEW

The history of the American labor movement is the history of millions of men and women who, over a period of two hundred years, organized unions that brought them better treatment and dignity in their work. This section describes how they succeeded despite the opposition of their employers, various levels of government, the press, and public opinion.

Schwartz, A. The Unions: What they are, how they came to be, how they affect each of us. New York: The Viking Press, 1972.

This account of the rise of labor will acquaint the reader with the details of the long, hard struggle of the organization of labor. This narrative history spans two hundred years of union development and provides an overall perspective on the growth of the unions.

The Unions*
What They Are, How They Came to Be, How They Affect Each of Us

Alvin Schwartz

The first unionists in this country were shoemakers, weavers, carpenters, printers, and other journeymen in the skilled trades. Before the Revolutionary War they formed "sick-and-visiting societies," "death-and-benefit societies," and other organizations to help one another in time of trouble. After the war they began to concern themselves increasingly with economic matters, for their status was changing. In the past they had trained under master craftsmen preparing themselves for the day when they would have their own shops. But as new markets developed and the demand for goods soared, the master craftsman became a large-scale supplier, the journeyman became just another employee, and his chance of starting a business all but disappeared. With the longer hours he had to work and the lower pay he received, his discontent grew.

And with discontent came unions. The first were temporary organizations. When a problem arose the journeymen affected banded together to deal with it, then disbanded when it was settled. It was not until 1794, in Washington's second administration, the cordwainers, or shoemakers, in Philadelphia organized what would become the nation's first relatively permanent union, the Federal Society of Journeyman Cordwainers. For a fifty-cent initiation fee and dues of about a nickel a month, any journeyman cordwainer in the city could join. However, he agreed not to work in the same shop with a nonunion cordwainer. He also vowed not to work for less than a union wage. To make certain that the members kept their vow, a "tramping committee," the equivalent of today's union business agent, regularly visited the shops where they worked.

A printer's union was organized in New York about the same time and soon other craft unions appeared. However, success was temporary. In 1806 a Philadelphia court ruled that unions were illegal conspiracies to restrain trade. But even unions that ignored the ruling failed when two economic depressions devastated the nation. It was not until prosperity returned late in the 1820's that small craft unions again appeared in sizable numbers. To help in recruiting members and in striking, they organized small local

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*From The Unions: What They Are, How They Came To Be, How They Affect Each of Us, by Alvin Schwartz. Copyright © 1972 by Alvin Schwartz. Reprinted by permission of Viking Penguin Inc.

federations, "city centrals," which turned to politics when bargaining with employers proved fruitless and larger problems arose.

In Philadelphia they formed the Workingmen's Party--the Workies--the world's first political organization that represented the interests of workers. As many as sixty other workingmen's parties appeared throughout the country, all seeking a ten-hour day, free public schools, and an end to imprisonment for debt. (Four prisoners in five in Boston, New York, and other cities were serving sentences for nonpayment of debts, most of which were under twenty dollars.) A small national labor federation also was organized, the National Trades Union Council. But another depression, the Panic of 1837, destroyed half the nation's jobs and decimated the fledgling movement.

By 1842 when the Massachusetts Supreme Court declared that unions indeed were legal, many workers had turned their backs on industry and the unions. Some had headed west to start life anew. Others had joined cooperatives where workers owned the means of production, produced goods for sale, and shared the earnings. But when scores of these failed and industry again revived, so did the unions. As the Civil War approached there were, in all, perhaps a hundred local unions in Boston, New York, Philadelphia, and Baltimore. A number of small international unions also had been formed, including the Hat Finishers, the Stone Cutters, the Locomotive Engineers, and two that to this day remain in operation, the Iron Molders and the Typographers. When the war came and industry expanded, jobs increased and unions grew. In the major cities the number of local unions more than doubled and the number of union members rose toward 200,000, virtually all of whom were craftsmem.

On a cold winter's night in 1869, nine idealistic garment cutters in Philadelphia established what would become the nation's first major labor organization. They called it the Noble and Holy Order of the Knights of Labor. One of their goals was to unite all workers in one big union. Another was to replace the capitalistic system and the low wages it provided. Instead they visualized a system of cooperatives in which workers, with government help, would own the means of production and share whatever was earned. They also sought the eight-hour day, an end to child labor, equal pay for women, and many other social reforms. To achieve all this they would educate the public and change the laws. Only as a last resort would they turn to bargaining with employers and to strikes.

What contributed most to their success, however, was that almost anyone could become a member: skilled craftsmen, unskilled workers who up to then had no unions, black men, women, and also small businessmen and farmers.

Entire local unions, even national unions, could join. Only bankers, lawyers, stockholders, and gamblers were barred. To protect its members from being fired and blacklisted, the organization at first was a secret society with its own code, handshake, and mystic symbol. But when this approach was discarded it began a period of remarkable growth.

By 1885 the Knights had acquired 100,000 members, a third of all the nation's unionists. And when events forced a strike against the railroad empire of financier Jay Gould, Gould granted all the Knights' demands, workers flocked to their standard. Within a year the organization had grown to 700,000 members. Having reached this pinnacle, however, it began an equally remarkable decline.

The Knights had many problems which contributed to their fall, but the most critical was a split in their membership. For years

their craft unions had bridled over the emphasis on cooperatives, social uplift, and educaton of the public. What they wanted were higher wages, shorter hours, bargaining, and strikes, not utopian designs for the future. They also wanted an organization that emphasized their problems, not those of unskilled workers with whom they felt nothing in common. But when none of this came to pass, in 1886 the craft unions left the Knights and, with a number of other unions, formed the American Federation of Labor. As their first president they selected a hardheaded realist who had no interest in utopia, an English immigrant named Samuel Gompers, president of the Cigar Makers.

The new organization differed from the Knights in many ways. Instead of one big union, it was a loose federation of national unions. Instead of members of all kinds, its members were restricted to skilled craftsmen. Unskilled Mine Workers and Garment Workers soon would join them but for many years they would be the exceptions. The federation also was not interested in abolishing wages or changing the economic system in other ways. Its only concern, in Gomper's words, was "pure and simple unionism." All it wanted for its members was more money and better conditions, which it would seek through bargaining and strikes.

By 1900 the AFL included forty-eight national unions with over a half million members. The Knights by then were dead. For the time being so was the hope of the great mass of unskilled workers for unions to represent them. But fed by their discontent and frustration, other currents were running strong.

When the First World War started, the AFL had 2.5 million members. By the time the war ended, its membership had risen to 5 million as a result of the governments efforts to promote labor-management peace and keep war production high. But with the end of the war, business launched a vigorous counterattack. Company after company refused to deal with the unions that had been formed with government help and savagely repelled efforts to organize new unions.

Armed guards, labor spies, blacklists, and strikebreakers all reappeared. So did a legal device called a "yellow dog" contract, through which a worker, in return for a job, agreed not to join a union. A number of employers also took a new tack. To discourage unionism, for the first time they provided insurance programs, pension plans, and recreational facilities for their employees. A great many also formed "company unions," which gave employees a limited voice in their jobs. At one point these unions had 1.5 million members.

In 1924 Samuel Gompers died after heading the AFL for thirty-seven years. William Green of the United Mine Workers replaced him but did little to revive labor's diminishing power. His major program was aimed at improving cooperation with businesses, but business, needless to say, was not interested. By 1929 union membership had shrunk to 3.5 million members, or 6 percent of the work force. Almost everywhere labor was in retreat.

During the 1920's thousands of companies and millions of individuals consistently lived beyond their means, borrowing heavily from banks and speculating to an extraordinary degree in business ventures and stocks. On October 24, 1929--Black Thursday, as it became known--their greed caught up with them. On that day the price of securities traded on the New York Stock Exchange began to drop sharply. Within a month the value of these hugh investments had shrunk by 40 percent, a decline that triggered an economic disaster without precedent in our history.

When stock prices plummeted, a great many persons and a great many businesses went bankrupt. When banks could not recoup the money they had loaned, many also went bankrupt and their depositors lost their savings. As confidence in the economy withered, the amount spent on goods plunged, with the result that many companies shut down, many workers lost their jobs, and spending dropped still more. By 1932, 5000 banks had failed, factory production had been cut in half, and construction projects throughout the country virtually had ground to a halt. Over 13 million workers--one in four--were without jobs and millions more worked only part time. Wages that year came to but $31 billion, compared to $55 billion in 1929. Throughout the nation the mood was one of bewilderment, despair, and slowly mounting anger.

The unions also were hard hit. As the number of jobs continued to drop, so did union membership. By 1933 only 2.5 million workers, less than 5 percent of the labor force, still belonged to unions. In the past the government would not have concerned itself about this. But now its officials were convinced that strong unions, with millions of unskilled and semiskilled workers, could spur the nation's economic recovery. Through bargaining with management they could raise wages and increase badly needed purchasing power. By providing a means to settle grievances, they also could provide a bulwark against revolution, which at that point seemed a distinct possibility.

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In the end Congress passed the needed legislation. For the first time the Federal government guaranteed workers the right to organize and join unions. If at least 30 percent in a company wanted a union, the government would poll all the workers affected. If a majority decided on a union, their employer had to bargain with it, whether or not he wanted to. Moreover, he was barred from forming company unions and from committing a long list of "unfair labor practices." For the first time in its long, frustrating history, labor had the help it needed.

During the four years the war lasted, the government tightly controlled labor-management relations. But when the war ended a new era began. For the first time in a large number of industries, workers and their employers negotiated wages, hours, and working conditions. But for many labor leaders and many managers this meant learning how to bargain. In a number of cases it also meant learning how to use power responsibly. As a result, the first years after the war were difficult ones for both sides. During 1945 and 1946 disputes over contract negotiations resulted in 10,000 strikes, a larger number than in any two-year period before or since. Unlike strikes in the past the vast majority were peaceful, but the public was deeply disturbed. Although either side can cause a strike, the great number that occurred seemed to support management's argument that labor had too much freedom, that the laws that created strong

unions in the 1930's had gone too far, that the balance of power between the two had to be adjusted. In 1947, as a result, Congress imposed curbs on labor's freedom to organize new unions and to strike. But in the years ahead, the issue of labor's power would be raised again and again, at times with justification, but in other cases with none whatsoever.

As the two sides adjusted to their new relationship, the number of strikes tapered off. But as labor struggled to establish stable, effective organizations, two serious problems arose. In a number of its unions, the AFL was faced with corruption and racketeering. In an effort to clean house it expelled one of its long-time affiliates, the International Longshoremen's Association. But not too many years later it also would have to deal with a half dozen others including the Teamsters, the nation's largest union.

In 1935, the AFL expelled the union headed by dissidents who formed the rival federation of the Congress of Industrial Organizations with John L. Lewis of the Mine Workers as president. The CIO, on the other hand, was faced with a radically different problem: infiltration by Communists. Starting in the 1920's, after the Russian Revolution, an increasing number of Communists were hired by the unions, most of which traditionally were concerned not with a man's political beliefs but only with his seeming dedication to their cause. Some of those hired were part of an organized effort which originated in Moscow to take control of American unions, form a Communist labor party, and in this way influence the course of government. Their big chance came in 1935 when the CIO was formed and needed large numbers of organizers, publicity men, lawyers, and other specialists. Over the years many of the Communists employed rose to important positions in their unions. As their influence grew, pressure to remove them also grew. After a major internal struggle, the CIO fired the Communists on its staff and in 1949 and 1950 expelled eleven Communist-dominated unions with almost 900,000 members.

In 1952, William Green died after twenty-eight years as president of the AFL. Eleven days later so did Philip Murray, president of the CIO. Green was succeeded by George Meany, a blunt, forceful plumber from the Bronx who had risen to become the AFL's secretary-treasurer. Murray was replaced by Walter Reuther, the ultraliberal president of the United Auto Workers. With the changing of the guard came an opportunity for reconciliation. In 1955, after twenty years of disunity and rivalry, ninety-four unions with 16 million members joined forces as the AFL-CIO, with George Meany as president.

Walter Reuther called the merger "a new beginning" and clearly it was. For many, labor's new strength held the promise of organizing the millions of workers still outside the labor movement, of dealing with a growing threat to jobs posed by automation, and of spearheading a massive drive to improve life in the United States for the underprivileged. But others wondered whether such a huge federation, inevitably remote from the workers, could revive the crusading spirit of the 1930's or whether it would become merely another bureaucracy concerned as much with its own survival as anything else. For the moment, however, such thoughts could be put aside. In but two decades, out of a hopeless shambles, had grown the largest labor federation in the world. A struggle that had begun 161 years earlier in the cordwainers' shops of Philadelphia had borne fruit. For labor it was a time to celebrate.

SUGGESTED TRAINING ACTIVITIES
FOR SUBJECT MATTER DELIVERY

Select a film, not more than fifteen to twenty minutes long, that presents a general overview of past working conditions and the formation of early unions. (See Film List in Appendix D.)

or

Invite a union representative who can present the history of organized labor.

or

Have participants imagine working conditions prior to and during the Industrial Revolution. Discuss the effects of these conditions on the workers.

Follow the discussion with a short lecture on the types and structures of early unions. (Review resource in this section and resource suggestions found in Appendix A and C.)

Key Point--There was a strong need to band together in order to change working conditions. Through strikes, boycotts, collective bargaining, and political intervention, early unions, both large and small, brought about change.

Sample Discussion Questions

1. What were the working conditions that created the formation of unions?

2. What affect did these conditions have on the individual worker?

3. What were some of the goals of early unions?

4. What were some of the changes brought about by early unions?

SECTION III

EXPANDED EFFORTS OF ORGANIZED LABOR: GROWTH OF UNIONISM

OVERVIEW

This section examines the ways in which unions have united to enlist the loyalties of their members. They have championed social causes and have campaigned on the basis of their social usefulness. Their degree of success is emphasized here.

ABSTRACTS OF RESOURCES IN THIS SECTION

The Union as a Change Agent

This segment discusses how the organization of a union focuses on the overall quality of an individual's work life and the need to adapt the working environment to the individual. The unions have been powerful change agents for their individual members and for society. Their strength has been in their numbers and in their ability to present a united position.

New York City Central Labor Council, AFL-CIO. Community Services Committee. New York: Central Labor Rehabilitation Council of New York, Inc., 1978.

This pamphlet describes the wide range of social, personal, physical, and psychological services rendered by the Community Services Committee of the New York City Central Labor Council, AFL-CIO.

HRDI: A continuing responsibility of American labor. Washington, DC: AFL-CIO Human Resources Development Institute.

Human Resources Development Institute (HRDI) participates in a wide variety of programs and provides a broad range of services to labor, government, and business. This summary of HRDI activities illustrates the ways in which HRDI serves the labor movement and the community in the fields of employment and training.

Opening doors for the disabled...to good union jobs. Washington, DC: AFL-CIO Human Resources Development Institute.

The AFL-CIO Human Resources Development Institute (HRDI) works toward placement of good jobs for the disabled. HRDI placement specialists work closely with vocational rehabilitation agencies, community groups, government agencies, and labor organizations to provide job counseling, training, and employment services to disabled people, including disabled union members and veterans.

The Union as a Change Agent

Some time ago working people realized that the "power to change" was not in the hands of the individual but with individuals working together. Together they had the strength to bargain effectively for what they wanted. Small groups of similar occupations came together to form larger groups. Growth in numbers meant more power for the groups (later to become national groups). Problems in the work place could then be handled by a labor organization that represented the needs of its members.

Unionizing meant that some of the original concerns were brought under control: hazardous conditions were reduced; financial compensation for injuries incurred on the job was instituted; wages improved; child labor ended; work hours were shortened; job security was negotiated.

Union jobs were generally better paying, more secure, safer for the worker, and provided career advancement. There were other areas where early unions were effective: social issues in and away from the work place; psychological and physical problems which affected the individual's on-the-job performance. The unions' "power to change" now went beyond the problematic concerns of the working environment and began to approach the humanization of the work place. The individual could now be seen as unique, with his own set of traits, experiences, abilities, limitations, needs, and problems. Unions sought programs to help members both on and off the job: alcoholism programs; drug addiction programs; family counseling; skills training programs; vocational rehabilitation for the injured worker. Today's unions offer members many of the services through their own organizations.

Community Services, a special division of the international unions, is an outreach attempt to aid and support union members in all aspects of their lives, not just on the job. A booklet distributed by the AFL-CIO Community Services Committee explains the programs offered in support of the membership.

The Human Resources Development Institute (HRDI) is an AFL-CIO nonprofit affiliate organization whose primary function is to support the members' training and education needs and work in cooperation with Community Services outreach.

NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO
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JAMES JOY, JR.
Chairman
HARRY AVRUTIN
Secretary
WILLIAM H. BOWE
Treasurer

The Community Services Committee of the New York City Central Labor Council, AFL/CIO is now entering upon its 26th year of activity on behalf of the 1,250,000 trade-unionists who constitute this great and important segment of the largest city in the world.

The services being rendered, of an ever-increasing magnitude, cover the widest range of social, personal, physical and psychological needs of working men and women outside their in-plant problems which are not covered by collective bargaining contracts.

The needs covered and the services performed would take many pages to catalog. In this space we can only say that the Community Services Committee supplies the information our members must have to secure their benefits under city, state and federal laws—and to obtain the necessary action and community planning to prevent social breakdown, disease and poverty before they take their toll.

More, insisting that labor is an integral and vital part of the whole community, the Community Services Committee seeks and obtains broader AFL/CIO participation in the boards and committees of our public and private agencies, so that our voice is heard in their councils and can have an appropriate effect upon their policy making decisions.

Recognizing that community participation is a two-way street, our Community Services Committee is involved in every worthwhile cause, helping increase workers' contributions to the United Fund

COMMUNITY SERVICES COMMITTEE

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of Greater New York and a host of other social and philanthropic agencies. As a matter of fact, it is generally conceded in this city that no worthy campaign can get off the ground and have hopes for success without the closest participation and substantial contributions by labor.

Therefore, whether it's blood banks or rehabilitation for the handicapped or mental health, or problems of alcoholism and drug addiction or job training or problems of hospital care for the aged or education for youth or public assistance or veterans' problems or maintenance of the family unit or any of the problems growing out of our environment of our society, the Community Services Committee is there ready to SERVE, and has been doing so for the past 25 years.

Its effectiveness is made possible by its Union Counselling Service through which it trains and involves active local union members in utilizing on behalf of their fellow-members, their families and retired members, the hospital, health, welfare and other community resources in New York City. The liaison the Community Services Committee has been able to establish through its Union Counselling Service, has resulted in the more and more effective use of these resources.

College credited courses on alcoholism and drug abuse are available to union members and other interested persons in the community. This course carries two (2) college credits and like all other services provided is free of charge.

The continuing success of the Community Services Committee would be impossible without the genuine participation of the rank and file workers, or without the leadership which inspires and makes possible our work. Harry Van Arsdale, Jr., as President of the New York City Central Labor Council, AFL/CIO and James Joy, Jr., Chairman of the Board of the Central Labor Rehabilitation Council of New York, Inc. and Chairman of the Community Services Committee have sparkplugged this vital work and continue to do so, despite the fact it take a heavy toll on their time and energies.

These leaders are ably abetted by Gerald R. Waters, Sr., Administrator of the Central Labor Rehabilitation Council and Director of the Community Services Committee, who is charged with the responsibility of implementing the programs and activities.

COMMUNITY SERVICES-LABOR REHAB COUNCIL

NEW YORK CITY CENTRAL LABOR COUNCIL, AFL/CIO

Sub-Committees of the overall Community Services Committee are chaired by the following dedicated trade unionists:

LABOR/ARTS, INC.
Harry Avrutin
SUMMER CAMP PROGRAM
Sam Kovenetsky
CONSUMER INVOLVEMENT
Shirley Kronberg
COUNSELLOR TRAINING
Jerome Goldstein
LABOR PRESS ACTIVITIES
Frank Vivert
PRE-POST RETIREE
John Sweeney
PREVENTIVE HEALTH CARE
Charles Faulding
PUBLIC WELFARE AND EMPLOYMENT
Charles Garrahan
SAFETY-WORKMEN'S COMPENSATION STATE DISABILITY
Murray Miller
Joseph Leonard
YOUTH PROGRAMS
James Tuttle

LABOR REHABILITATION LIAISON PROJECT

Probably the most challenging of the Community Services Committee's undertaking was the Labor Rehabilitation Liaison Project, the first of its kind anywhere in the country. This was a five year project launched in April, 1963, with an overall grant of approximately $550,000.00 from the Vocational Rehabilitation Administration of the Department of Health, Education and Welfare, matched over the life of the project of the New York City Central Labor Council, appropriation of approximately $280,000.00

The purpose of Labor Rehab was to coordinate the rehabilitation and re-employment of the disabled worker. It sought to do and already has accomplished much in this direction by promoting cooperation between labor and community rehabilitation resources—both public and private.

The project's staff includes a vocational guidance counsellor, caseworker, a psychiatric social worker, clinical program specialist, technical advisor, training/outreach and a job developer. A panel of consulting physicians supplements the staff efforts. *Persons who need care, first must be found and they must be found before they are beyond help.*

With this in mind, the project established rehabilitation case-finders in most all affiliated local unions and health centers. It is the case-finders job to counsel workers in need of rehabilitation and to refer them to the Labor Rehabilitation Liaison Project.

To facilitate the work, the project staff urged medical insurance companies and pre-paid health insurance plans to establish positions for case-finders. In this way, sick and disabled applicants for medical insurance payments would be screened to determine if they need rehabilitation care in their programs.

In the 15 years of its existence, the Labor Rehabilitation Project and Central Labor Rehabilitation Council have processed over 14,000 cases. These cases represented physical, emotional, financial and vocational problems. Of the first 3,261 cases studied and treated, successful solutions were possible for 68 percent. This is regarded as a high percentage, compared with the small number of rehabilitated workers in the community before the Labor Rehab Project came into existence.

In January, 1967, President Harry Van Arsdale, Jr., announced the receipt of a grant from the Vocational Rehabilitation Administration, Department of Health, Education and Welfare. Again a first for the trade union movement.

This grant, formally known as a "Union-Based Selective Placement of Disabled Workers" referred to as the "Job Placement Project" was for the period of January 1, 1967 through March 31, 1970.

The justification for this additional grant is best stated as follows: Selective placement is the keystone of the vocational rehabilitation process. Despite the effectiveness of all other rehabilitation components (evaluation, counselling and training), the total rehabilitation effort may flounder if suitable employment is not made available to the rehabilitated person within a reasonable period. In a vocational rehabilitation frame of reference *"the paycheck is the payoff."*

When successful and sustained employment caps the rehabilitation experience, the person involved, the rehabilitation service, and the community all emerge with a sense of fulfillment.

In view of the fact that the Labor Rehabilitation Liaison Project had found serious inadequacies in selective placement resources in the New York community and that the labor movement was ready to assume an active part in selective phases of vocational rehabilitation, the time seemed ripe for the inauguration of a bold new selective placement program, functioning primarily under labor union auspices. The values of such an approach would be:

1. Unions remain an untapped source of manpower and facilities insofar as vocational placement is concerned.
2. Unions can influence social change, not only by modifying their own policies and practices, but through accounting for selective placement problems in their contract negotiations. Some unions have already taken note of rehabilitation problems in their contract negotiations.
3. Unions can set a tone in the community which may effectively influence employer attitudes toward the disabled in a favorable direction.
4. Unions have special competence in vocational adjustment areas and through mobilizing this know-how, they can add materially to our knowledge about selective placement.

CENTRAL LABOR REHABILITATION

With the federal funding of the Labor Rehabilitation Liaison Project ending after five years and four months, many labor unions in New York City were determined to see that this vital service be continued. Starting in September, 1968 they made voluntary contributions and the Project continued to aid their members, members of their families and their retired members.

During the period of September 1, 1968 through June, 1969 the local unions encouraged the Officers of the Central Labor Council to study ways and means to establish an on-going organization as a *social service arm of the labor movement.* An application was submitted to the State of New York to establish a non-profit corporation. This was approved by the various departments within the State .Under the charter granted, the work previously done by the staff of the Labor Rehabilitation Project will continue and be expanded under the Central Labor Rehabilitation Council of New York, Inc. Funds to carry on this vital service will be sought through annual membership dues to the corporation from Local Union health, welfare and pension funds, pre-paid health insurance plans and others. The Council is tax exempt (contributions deductible).

THE PURPOSES FOR WHICH THE CENTRAL LABOR REHABILITATION COUNCIL OF NEW YORK, INC. WAS FORMED ARE:

- To provide professional vocational, social and other counselling for workers and members of their families whose medical or related problems result in impairment of their ability to obtain employment or continue in their jobs.
- To provide and operate centers where members of the community may obtain the necessary counselling needed by them to overcome their handicaps and problems and become or remain active and useful member of their community.
- To cooperate with other associations and various community agencies, state, local and federal, engaged in like activities in a

concerned effort to provide counselling and referral services staffed by professionals to better and more fully meet the vocational rehabilitation needs of the community.

- To establish a referral service whereby members of the community with vocational and related problems unable to be aided by the Central Labor Rehabilitation Council of New York, Inc. would be assisted in obtaining the necessary help from other community organizations for the needed services, treatment or assistance, and

- To develop close working relationships with groups within the community including organized labor, to facilitate dissemination of information about the services and facilities provided by the Central Labor Rehabilitation Council of New York, Inc. and the manner in which it can be utilized by the public.

All services described shall be provided by the Central Labor Rehabilitation Council of New York, Inc. without charge to the individual referred.

.. A professional staff to serve men, women and children, including counselors, caseworker, vocational guidance counselor, clinical program specialist, technical advisor, training/outreach, job developer, medical consultants, physical medicine consultants and psychiatric consultants.

.. Referral for psychiatric screening interviews to determine need for psychiatric treatment.

.. Referral for physiotherapy and physical rehabilitation services, including speech therapy.

.. Advice about nursing homes, homes for the aged, etc., including clearance with physician; canvas of homes for available openings.

.. Advice and guidance for placement of senile patients.

.. Help by direct intervention with social and Governmental agencies regarding:

a) Disability and Workmen's Compensation insurance payments, hearings, etc.

b) Social Security requirements, including OASDI and Medicare B.

c) Application to Department of Social Services, financial assistance and all related problems and services.

d) Home health aides and housekeeping service.

.. Help with evaluation of mentally retarded and emotionally disturbed children and with placement of those in need of custodial care.

.. Referral for evaluation of severely disabled children and help to families to establish eligibility for subsidy by New York State for special schooling.

.. Referral for job counselling and placement of handicapped people.

.. Referral to Division of Vocational Rehabilitation for job training, etc.

.. Referral to social agencies where family counselling is available.

.. Referral to Alcoholic Centers.

.. Referral to Addiction Centers.

.. On-going programs of health information and education for union members, members of their family, retired workers and others in the Community.

ALCOHOLISM

One of the most serious and widespread illnesses in the United States today is alcoholism. The estimated number of alcoholics in the country is slightly over nine million, as compared to a drinking population of approximately 90 million. These 9,000,000 alcoholics make alcoholism a major health problem. The number of alcoholics in New York City is estimated to be over 350,000.

An alcoholic is a person whose drinking causes a continuing and growing problem in his emotional, social, vocational, economic or domestic life.

Alcoholics can be successfully treated. The illness cannot be cured, but it can be arrested—provided the alcoholic abstains from alcohol. This he can rarely do alone and unaided. He needs expert help, often many kinds of help—medical, psychiatric and social.

Most people only recognize alcoholism in the very late stages of the disease, and by this time, much damage has been done, a great deal has been lost, and as in any other illness, the condition is harder to treat. The symptoms of progression from social drinking to the compulsive use of alcoholic beverages are clearly charted for us today.

In considering the condensed "10 Steps To Alcoholism" published and adapted from Jellinek by the National Council on Alcoholism, it is important to understand that not every alcoholic follows the steps in the order given. However, from the study of many cases, a clear pattern emerges:

1. He has begun to drink: He indulges in social drinking, suffering an occasional hangover.

2. He starts having "Blackouts": He drinks the same amount at a party but the next day he can't remember what happened after a certain point.

3. He finds that liquor means more to him than to others: He enjoys drinking alone or having a few drinks before the party. At this point, he can stop drinking if he wishes.

4. He consistently drinks more than he intends: He still can say when he will drink but he can't say how much he will drink. It is still not too late to stop.

5. He starts excusing himself for his drinking: He uses anything for an excuse—birthday, weather, etc. He begins to feel some guilt about drinking.

6. He starts taking "Eye-openers": This drink is not for pleasure. He tells himself he required it—to face the job, family, or the day ahead. Any excuse eases his mind about what happened the night before.

7. He begins to drink alone: He likes to drink alone. He is living in a distorted world of his own imagination. He may be a great hero, a great Don Juan, etc.

8. He gets antisocial when he drinks: He has a need to cause damage—kick helpless animals, tear down signs, break windows, pick fights with his spouse, or abuse his children. He worries about this but the only solution is more drinking.

9. He starts going on benders: Now it is "Compulsive" drinking. He is a true alcoholic. This usually occurs about three years after the "eye-opener" stage began. He can control neither when, nor how much he drinks.

10. He feels deep remorse and resentment: During sober moments he is remorseful. He feels very guilty knowing he is destroying the lives of those around him. Usually, the only recourse is further drinking.

It is important that the Union Counsellor familiarize himself with the stages of this illness so that he can help the person face his problem and seek treatment during the early stages of the disease rather than when a great deal of damage has been done and the condition is harder to treat. The counsellor should be aware that the general sterotype of the alcoholic is a "skid row" derelict and that actually this type comprises only 35% of the five million sufferers of the disease.

The Union Counsellor is often in a position to help an alcoholic to see that his financial troubles, his difficulties on the job or his family problems are actually caused by the fact that he has alcoholism. These other problems can only be solved when the basic condition, the alcoholism is arrested. If the alcoholic happens to be employed with a firm which has a formal alcoholism program, the Union Counsellor may find it helpful to work with company staff members in trying to help the individual. Even if the counsellor, himself, knows a great deal about the disease of alcoholism, he will want to discuss the case with those who specialize in referral and treatment.

The counsellor should refer cases to some specialized service. In New York City, such referrals can be made through:

Central Labor Rehabilitation Council of New York, Inc.
386 Park Avenue South
New York, N.Y. 10016 (679-5250)

The staff at this Council will be glad to discuss the case with the Union Counsellor, to follow up with personal interviews with the alcoholic and/or his family, and to refer the individual to most suitable treatment resource which his needs seem to indicate. The Rehabilitation Council maintains up-to-date contact with all treatment resources in the Metropolitan area. *There is no charge for this service.*

DRUG ABUSE

Several years ago, speaking at a conference on Drug Abuse held in Philadelphia, Leo Perlis, Director, AFL-CIO Department of Community Services made this statement:

> "We know there is drug abuse in industry but we know very little about it—we find marijuana butts and needles in washrooms and we've seen pill popping at the work bench and we ask ourselves, is this the beginning—?"

Since that statement was made, drug abuse has spread from the east coast to the West coast throughout the length and breadth of the land. This was to be expected. After all, it is not unrealistic to expect the spread of drug abuse in industry if it is not held in check in our schools and our cities. There, in the final analysis is where workers come from.

With rising nationwide unemployment AFL-CIO Community Services has its hands full with programs designed to meet the immediate needs of the jobless for food and shelter, but it still must take the time to concern itself with the rising tide of drug abuse.

The most serious social and mental health problems in America today, affecting all walks of life, are alcoholism and drug abuse. These illnesses not only destroy the individual but cause great loss and heartache to the family, enormous loss of manpower in industry and of course great harm to the community in general.

Several things are clearer now as we have learned more about the use of drugs. All persons who use drugs are not hopeless dope fiends condemned to lives of crime. People use a variety of drugs for a variety of reasons with a variety of results. Some people use drugs while they work and some people use drugs in order to work or to work better or because they *think* that is what drugs will help them do.

Just as we have learned that people who work and have a drinking problem are responsive to treatment, the same is true of the employed drug user. Unions and companies that make provisions for treatment for the alcoholic and drug abuser report similar recovery rates. These rates range from 50-75% and far exceed the recovery rates of other treatment approaches. Obviously this stems from the motivational value of work, on the one hand, and the increased effectiveness of treatment when the illness is discovered at an early stage on the other.

While independent efforts by unions or by management to provide assistance to employees or to training can be conducted successfully, truly collaborative efforts which combine the resources of both management and labor have far greater potential.

The well trained Union Counsellor is in the best position to help a drug abuser see that all his troubles whether with his family, friends or finances, are caused by his drug use, and these troubles will only disappear if he accepts help and treatment for his illness.

The Union Counsellor should make every possible effort to encourage the drug abuser to accept the help that is available through the Central Labor Rehabilitation Council of New York, Inc., 386 Park Avenue South, N.Y.C. 10016 (679-5250)

The counsellor at Labor Rehab will discuss with the individual the most suitable type of treatment and will assist with all the peripheral problems according to his needs. Labor Rehab maintains steady contact with the best treatment facilities in the area and is therefore the most useful resource to the union counsellor and the individual he is trying so hard to help.

RESOURCE PEOPLE AVAILABLE FOR ASSISTANCE

* GERALD R. WATERS, SR., Director of Community Services Committee; Administrator, Central Labor Rehabilitation Council of New York, Inc.
* JUNE CRAWFORD, Counselor, Central Labor Rehabilitation Council of New York, Inc.
* MICHAEL O. DIAMOND, Training/Outreach, Central Labor Rehabilitation Council of New York, Inc.

* HALO HARTWELL, Counselor, Central Labor Rehabilitation Council of New York, Inc.

* BESSIE KAYE, Counselor, Central Labor Rehabilitation Council of New York, Inc.

* VIRGINIA VIGLIETTA, Statistical Secretary, Central Labor Rehabilitation Council of New York, Inc.

ROBERT FOLEY, Labor Liaison, New York City Affiliate, National Council Alcoholism (935-7075)

WILLIAM JONES, Community Services Committee, Labor Liaison, American Red Cross (SU 7-1000)

* KEN LUDWIG, Central Labor Rehabilitation Council, Clinical Program Specialist

* SID LEW, Community Services Committee, Labor Liaison, United Fund of Greater New York (YU 6-8100)

FRANK LI VOLSI, Community Services Committee, Labor Liaison, United Fund of Greater New York (YU 6-8100)

* HY MEYERS, Central Labor Rehabilitation Council, Training Programs Coordinator

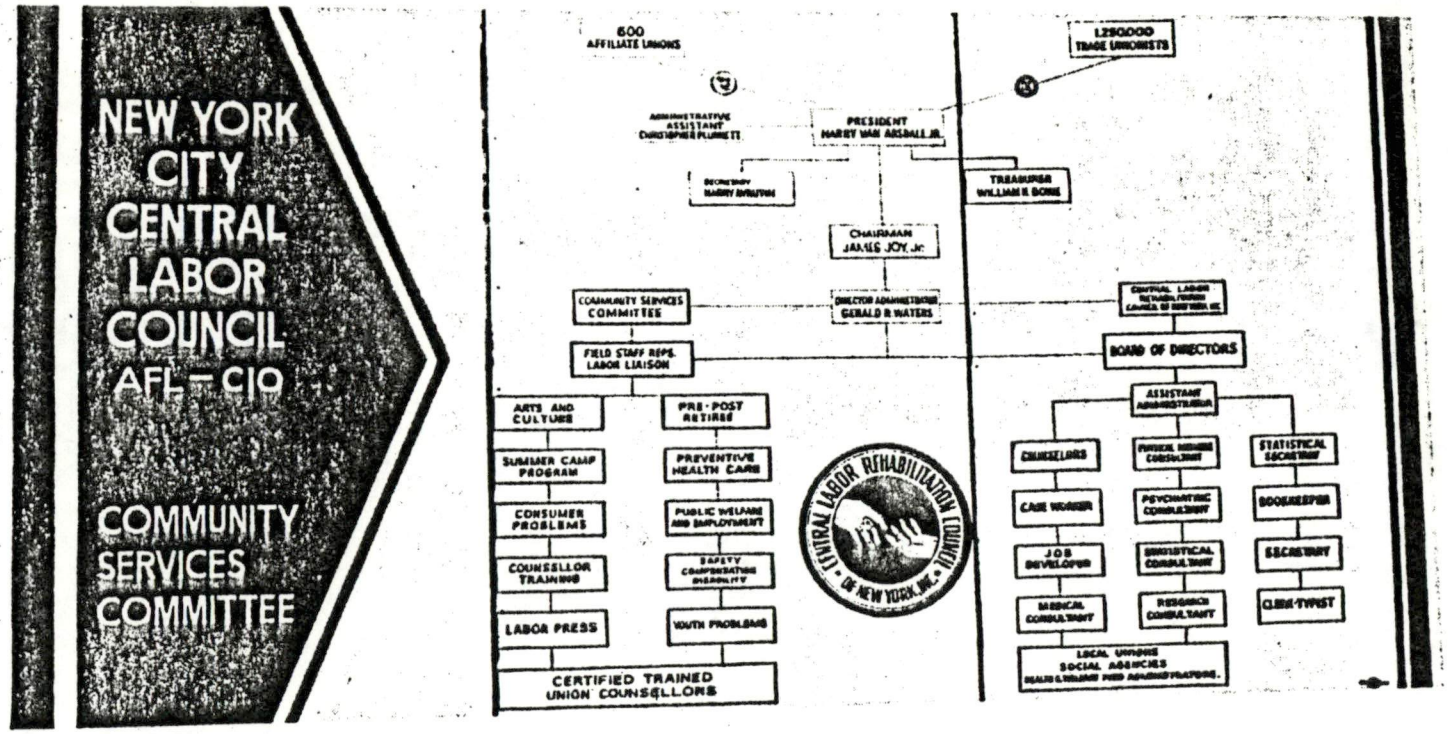
* THOMAS PRISCO, Labor Staff Representative, Central Labor Rehabilitation Council

* JAMES TUTTIE, Coordinator, Crime, Delinquency, New York City Project

* CHARLES WINICK, Ph.D., Technical Advisor, Central Labor Rehabilitation Council

HELP IS AS NEAR AS YOUR TELEPHONE.

*CALL ANY ABOVE AT 679-5250 EXCEPT AS INDICATED


NEW YORK CITY CENTRAL LABOR COUNCIL AFL – CIO
COMMUNITY SERVICES COMMITTEE
600 AFFILIATE UNIONS
1,250,000 TRADE UNIONISTS
PRESIDENT HARRY VAN ARSDALE JR.
TREASURER WILLIAM E. DORE
CHAIRMAN JAMES JOY Jr.
COMMUNITY SERVICES COMMITTEE
DIRECTOR ADMINISTRATOR GERALD R. WATERS
FIELD STAFF REPS. LABOR LIAISON
BOARD OF DIRECTORS
ASSISTANT ADMINISTRATOR
ARTS AND CULTURE
PRE-POST RETIREE
SUMMER CAMP PROGRAM
PREVENTIVE HEALTH CARE
CONSUMER PROBLEMS
PUBLIC WELFARE AND EMPLOYMENT
COUNSELLOR TRAINING
SAFETY COMPENSATION DISABILITY
LABOR PRESS
YOUTH PROBLEMS
CERTIFIED TRAINED UNION COUNSELLORS
CENTRAL LABOR REHABILITATION COUNCIL OF NEW YORK, INC.
COUNSELLORS
CASE WORKER
JOB DEVELOPER
MEDICAL CONSULTANT
STATISTICAL SECRETARY
BOOKKEEPER
SECRETARY
CLERK-TYPIST
LOCAL UNIONS SOCIAL AGENCIES

NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO

Community Service Committee

386 Park Avenue South, New York, N.Y. 10016

CENTRAL LABOR REHABILITATION COUNCIL OF NEW YORK, INC.

UNION COUNSELOR TRAINING PROGRAMS

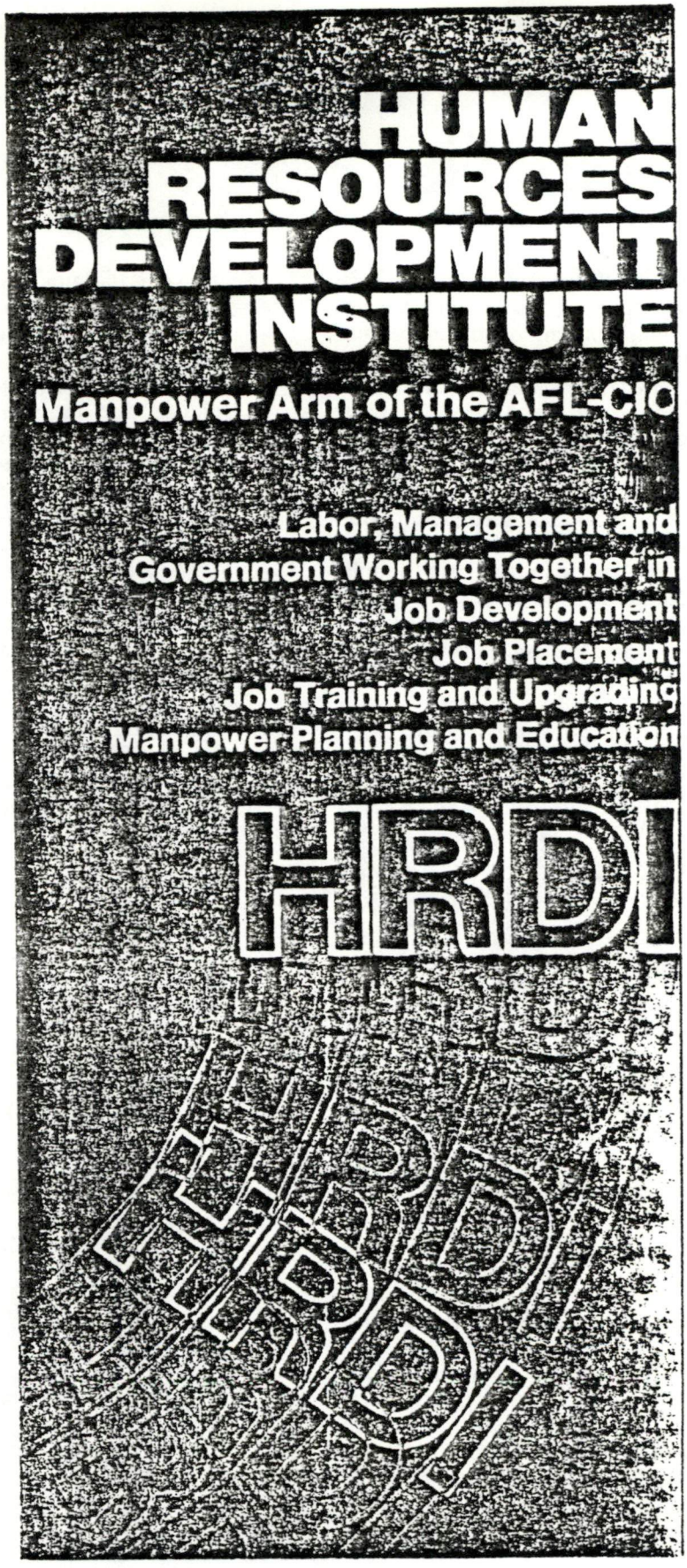
VOCATIONAL REHABILITATION	SAFETY & WORKMEN'S COMP.
SUMMER CAMP PROGRAM	EMPLOYMENT PROBLEMS
CRIME & DELINQUENCY	CONSUMER PROBLEMS
MENTAL RETARDATION	PHYSICAL PROBLEMS
NURSING HOME CARE	FAMILY COUNSELING
SENIORS PROBLEMS	CHILD PROBLEMS
CUSTODIAL CARE	MENTAL HEALTH
PHYSICAL AIDS	DEBTS & BILLS
HANDICAPPED	ALCOHOLISM
DRUG ABUSE	EDUCATION
LEGAL AID	GUIDANCE

Help on the above problems is as near as your telephone.

CALL

679-5250

Central Labor Rehabilitation Council of New York, Inc.



Permission to reprint has been granted from AFL-CIO Human Resources Development Institute.

HRDI: What it is ...What it does

As the manpower arm of the AFL-CIO, HRDI is an organization whose principal responsibility is to promote training and employment opportunities for disadvantaged, unemployed and underemployed Americans. In working to achieve this goal, HRDI utilizes the talent and expertise found in America's trade unions, building on their long experience in skill training.

The programs which HRDI supports aim to overcome problems such as lack of skills, insufficient education, discrimination, language difficulties and other barriers that may keep American working people from realizing their potential. A major objective is to provide the training and work experience that will enable men and women to develop the skills they need to obtain and keep useful, decent-paying jobs.



Since its establishment in 1968, HRDI has sought to broaden and deepen organized labor's participation in all phases of the national manpower effort—in the formulation of national manpower policy as well as in the planning and operation of programs at the local level. Under contract with the U.S. Department of Labor's Employment and Training Administration, HRDI works with government agencies at all levels to achieve these goals and to carry out a nationwide job development and placement program.

HRDI is an integral part of the American labor movement and works closely with international unions, state and local labor councils, local unions, and with the AFL-CIO's trade and service departments. HRDI's national office is in the AFL-CIO headquarters building in Washington, D.C. Its field staff—men and women drawn from the ranks of experienced trade unionists—are located in over fifty U.S. cities and work closely with government, business and community groups in developing manpower programs.

HRDI helps the nation's workers and potential workers in many ways:

- HRDI staff give technical assistance to unions and management in developing and implementing training programs to provide disadvantaged, unemployed and underemployed workers with skills for specific job opportunities.
- HRDI staff advise both organized labor and management about federally- and locally-funded training programs which they might utilize to meet specific needs of a plant or industry.
- HRDI staff serve as a link between organized labor and government in the implementation of the Comprehensive Employment and Training Act (CETA).
- HRDI staff advise organized labor's representatives who serve on state and local manpower planning councils how to develop and maintain programs that effectively meet local training and employment needs.
- HRDI staff, through their close contacts with local unions and employers, develop information on job openings and provide placement services to persons seeking work.



Job Development and Placement

HRDI, with offices in over fifty major industrial areas throughout the country, works with union officials, employers and government agencies to develop employment opportunities for disadvantaged, unemployed and underemployed workers. The jobs developed are primarily union jobs, covered by collective bargaining agreements, thus ensuring decent wages and good working conditions for workers finding employment through HRDI.

Manpower Planning

HRDI supports and promotes the active participation by organized labor in the manpower planning process at the state and local levels. HRDI's objective is to ensure effective labor representation on the manpower planning councils that advise CETA prime sponsors. This is achieved by providing training and technical assistance to labor representatives. In many instances, HRDI field staff themselves are designated by state and local central bodies to serve as labor's representatives on these planning councils. HRDI also provides technical assistance to prime sponsors and other program operators.

Manpower Program Development

HRDI staff offer technical assistance to international unions, state and local central bodies, local labor unions and other labor organizations in their efforts to develop training programs utilizing federal, state, local and other funding sources. Such programs include upgrade or on-the-job training, training for offenders, youth employment and other programs designed to assist disadvantaged persons and union members who are unemployed or underemployed.



HRDI also works with labor organizations and public agencies in developing CETA-funded public service employment programs to provide job opportunities for the unemployed.

Apprenticeship Outreach Program

HRDI is responsible for the administration and coordination of 22 Apprenticeship Outreach Programs designed to recruit and prepare primarily minority youth for apprenticeship in the construction trades. Twenty-one of these programs are sponsored by local Building and Construction Trades Councils under subcontract to HRDI. HRDI works in close cooperation with the AFL-CIO Building and Construction Trades and Civil Rights Departments in the administration of the Apprenticeship Outreach Programs.

HRDI staff, in conjunction with local Building Trades Councils, also cooperate with the National Urban League, the Recruitment and Training Program and other sponsors of Apprenticeship Outreach Programs in various cities.

Alaska Program

HRDI plays an important role in economic development and employment programs in the state of Alaska. HRDI promotes and coordinates union programs to train Alaska residents—and natives for construction jobs on the Trans-Alaska Pipeline and works closely with unions, management and government in planning and developing these programs. HRDI staff also help coordinate the efforts of both unions and management to meet the affirmative action goals of the Alaska Plan.

Skill Upgrading

HRDI staff assist local labor unions in developing upgrading programs for low-income workers who have been unable to move beyond entry-level positions.

PROGRAMS AND SERVICES FOR THE NATION'S WORKERS

Aid to Ex-Offenders

Working with local labor unions and correctional institutions, HRDI assists in the development of practical, realistic training programs for prisoners. HRDI has also developed "released-time" work and training programs, pre-trial intervention programs, and special programs for women offenders and offenders with drug problems. HRDI staff also provide counseling and help released offenders find jobs or enter employment and training programs.



Training for Navajo Indians

In cooperation with the building trades unions and Navajo tribal organizations, HRDI administers the comprehensive Navajo Construction Industry Manpower Project (NCIMP) on the Navajo reservation in the Southwest. The CETA-funded program prepares Navajos for careers in the construction trades by providing pre-apprenticeship and upgrading training and placement into union construction jobs on and near the reservation.

Non-Traditional Jobs for Women

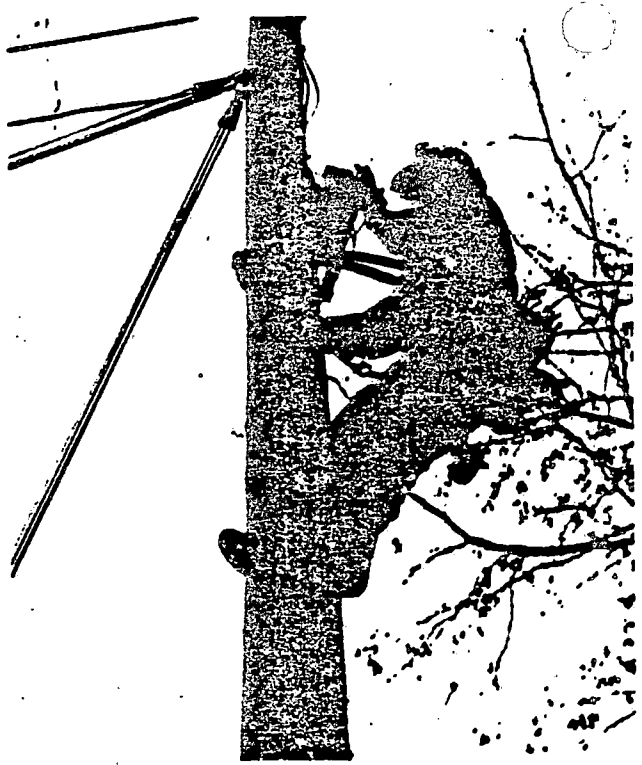
HRDI staff work with unions and employers in a variety of ways to promote equal opportunities for women in job referrals, job placement and in union training and upgrading programs, with an emphasis on employment opportunities not previously available to women.

Assistance to Veterans

HRDI staff help veterans returning to civilian life to find jobs and training opportunities. HRDI local offices make available information on jobs and training programs and provide counseling and referral services.

Manpower Education

Informing organized labor about manpower programs and issues is an important responsibility of HRDI. In carrying out this responsibility, HRDI develops and conducts education and training programs for members of organized labor at the local, state and national levels. HRDI also sponsors manpower education activities for government, business, vocational education, correctional institutions and various community organizations. HRDI is also actively involved in career exploration programs for young people.



HRDI: A Continuing Responsibility of American Labor

"HRDI continues to develop new approaches in utilizing manpower resources as a means to provide the opportunity for all Americans to share in a decent, dignified and fulfilling way of life."

— Executive Council of the AFL-CIO

AFL-CIO Human Resources Development Institute
815 16th Street, N.W. • Washington, D.C. 20006 • (202) 638-3912

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SUGGESTED TRAINING ACTIVITIES FOR SUBJECT MATTER DELIVERY

NOTE: The subject material of the previous section and the subject content of this section both deal with the growth and development of unions.

Have participants brainstorm working conditions as they exist today. Discuss the effects of these conditions on the union and its members.

Follow discussion with lecture on growing sophistication of union activities, the need for unions to act as social change agents reaching beyond the work place into the community at large.

or

Develop a full lecture on current status of the work place and its effect on union activities.

Key Point--Unions have adopted a more sophisticated approach to the emerging needs of members. Personal, political and family concerns as well as job-related matters have become part of unions' operations.

Sample Discussion Questions

1. What is the work site environment like today?

   or

   How has today's working environment changed from past working conditions?

2. What impact have these changes in the work environment made on the individual worker?

3. How have unions changed in response to today's work environment?

   or

   How have today's unions changed from the early organizations?

   or

   What effect has today's work environment had on unions' activities and organization?

SECTION IV

THE ROLE OF ORGANIZED LABOR TODAY

OVERVIEW

This section discusses the structure and organizational framework in which unions operate, and the procedures that must be followed to obtain services and expanded opportunities within the system.

CAUTION: Because there is some variation in the way local unions operate, the information in this section should be reviewed with a local union representative, if possible. The article on union contracts is for informational purposes only and should not be used to make any recommendations or suggestions about union negotiation activities.

Union Structure Today.

This provides a chart that highlights the departments and committees that are contained within the general union body.

Amalgamated Clothing and Textile Workers Union, AFL-CIO, Education Department, (rev. 12/79). Why we need shop stewards.

The role and function of the shop steward is presented.

Amalgamated Clothing and Textile Workers Union, AFL-CIO. The key position of the shop steward.

This chart indicates the position of the ACTWU shop steward within the context of the entire union framework.

Amalgamated Clothing and Textile Workers Union, AFL-CIO. What's in a union contract.

This contains a description of the components of a union contract. It is important to know contents of union contracts in order to avoid recommending action that would violate the bargaining agreement.

Doherty, R.E. Industrial and labor relations terms: A glossary. (Bulletin 44, 4th ed. rev.) Ithaca, NY: New York State School of Industrial and Labor Relations, Cornell University, 1979.

Commonly used labor union terms defined.

American Federation of Labor and Congress of Industrial Organizations. Structure of the AFL-CIO.

Charts are presented that outline the structure of the AFL-CIO and its organizational components. Note the importance of the shop steward and union representative for the rehabilitation community.

Amalgamated Clothing and Textile Workers Union. Structure of the Amalgamated Clothing and Textile Workers Union.

Charts are provided that detail the organizational structure of the Amalgamated Clothing and Textile Workers Union within the AFL-CIO.

Amalgamated Clothing and Textile Workers Union, AFL-CIO, Education Department. Welcome to your union.

This pamphlet provides a general description of the Amalgamated Clothing and Textile Workers Union, its make-up, and how the union operates within the AFL-CIO.

American Federation of Labor and Congress of Industrial Organizations. Collective bargaining: Democracy on the job. AFL-CIO Publication No. 136, July 1965.

This pamphlet describes the benefits and rights of the union member.

Amalgamated Clothing and Textile Workers Union, AFL-CIO. How the union grievance procedure works.

The union outlines the steps for filing a shop complaint or a grievance procedure.

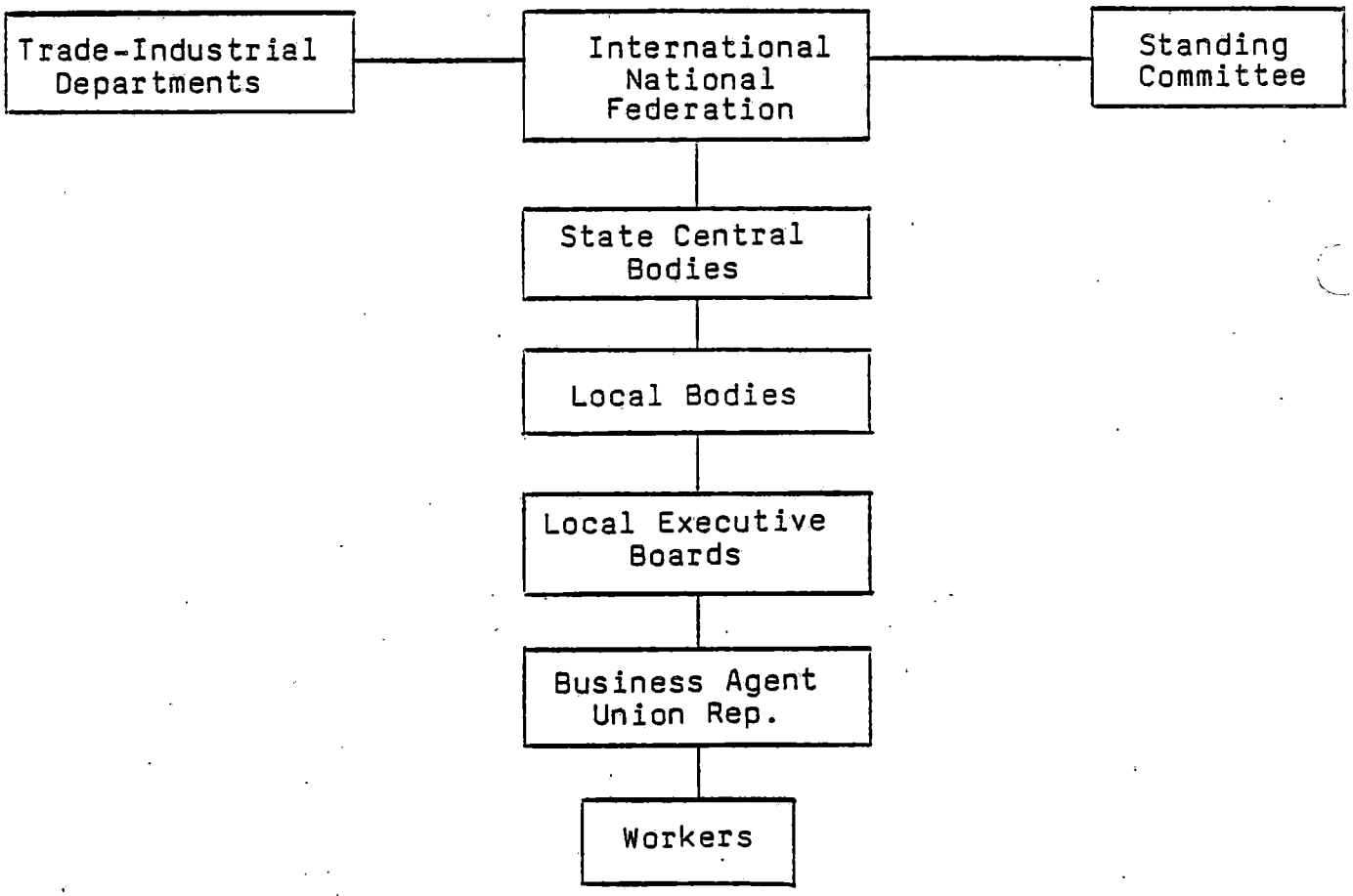
Amalgamated Clothing and Textile Workers Union, AFL-CIO. How the union works.

This pamphlet describes basic union operating procedures.

Union Structure Today

Generally speaking, a single national union or an international federation of unions operates in the same way. Each has an overall governing body which is responsive to the membership in that it is elected by the members. There are departments and standing committees to see to the variety of union concerns; and there is a top-to-bottom organizational structure to supervise the operation at all levels.

This is a basic diagram:



The following are examples of union departments in national unions:

1. Department of Legislation lobbys for things like consumer protection, education, civil rights, and social security on a national level.

2. Committee on Political Education encourages voter turnout, informs membership of political issues and endorses candidates at national, state, and local levels.

3. Department of Education advocates members' educational needs, maintains a Speakers' Bureau and provides public education.

4. Community Services provide members with family counseling, drug programs, and other social services that they may need.

a. Structural organization from national to local level
b. Functional relationship to organizational structure from national to local level
c. Specific and special programs
d. Rehabilitation services--what they are and how they are provided through union structure

WHY WE NEED SHOP STEWARDS*

I. WHAT IS A SHOP STEWARD?

A. The union's work-place representative to the company at management's level.

II. WHAT GIVES ONE THE RIGHT TO BE A STEWARD?

A. The National Labor Relations Act.
   (1) Enforced by district Labor Relations Board.

B. Contract Recognition Clause.
   (1) Usually begins saying that company recognizes steward's right to bargain for employees.

C. The Grievance Procedure.
   (1) Spells out who will represent the union in grievance procedures.

III. WHY DO WE NEED STEWARDS?

A. To build a strong union.
   (1) Encourage members to back one another.

B. To solve problems.
   (1) Settling small problems quickly.
   (2) Representing unions in the grievance procedure.

C. To relay information.
   (1) Relaying information to union representatives about certain grievances.
   (2) Relaying information to local union officers about news in their departments.
   (3) Informing members of local union business.

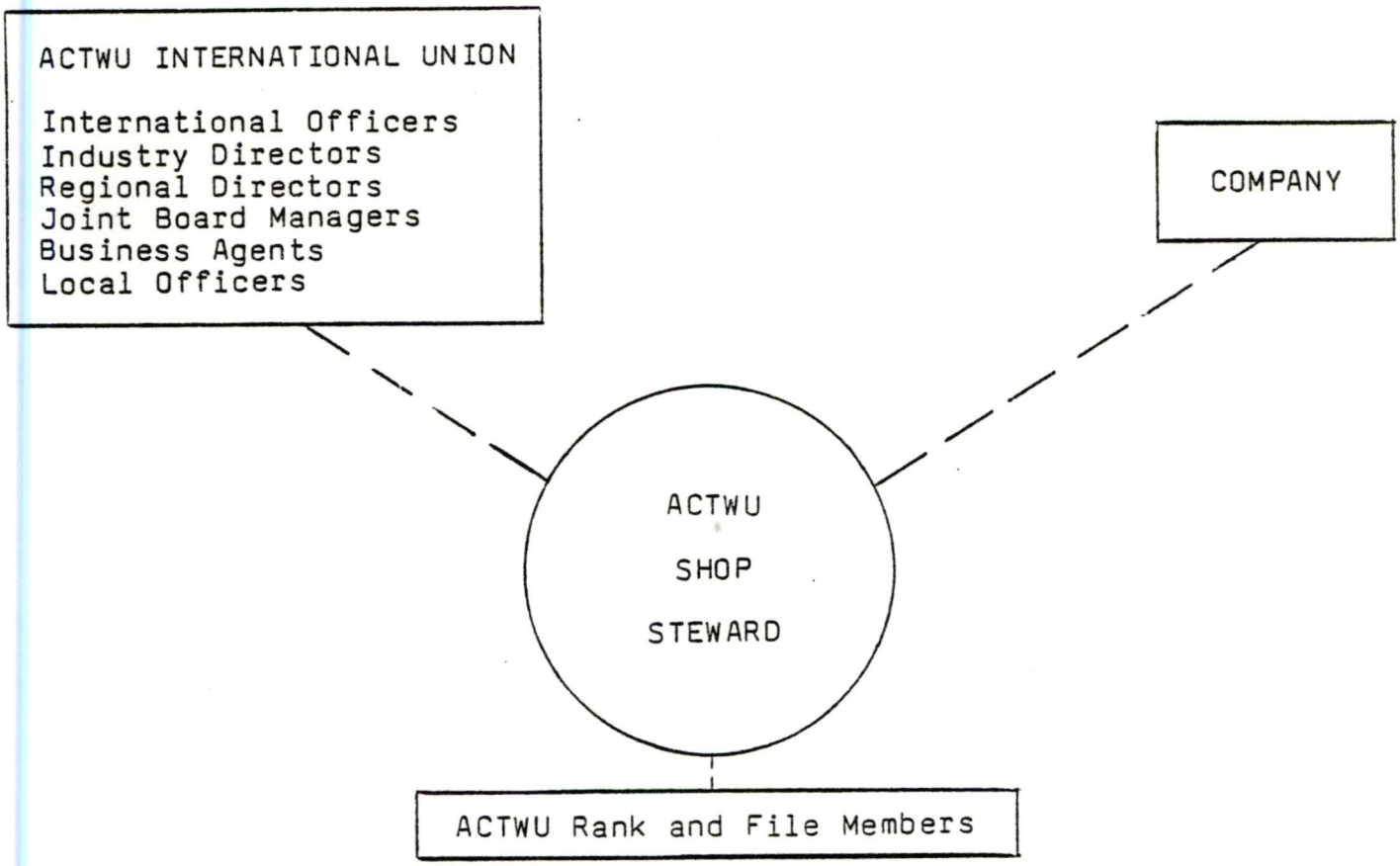
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*Prepared by Education Department, Amalgamated Clothing & Textile Workers Union (rev. 12/79)

THE KEY POSITION OF THE ACTWU SHOP STEWARD*

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION, AFL-CIO

EDUCATION DEPARTMENT
15 Union Square
New York, NY 10003



Form 101
ACTWU Education Dept.

*Reprinted with permission of ACTWU-AFL-CIO, Education Department.

WHAT'S IN A UNION CONTRACT*

A UNION CONTRACT is a written, legal agreement between the Union and the Company. Just like other kinds of Legal Agreements (for instance, a mortgage, the paper on a car, a loan or a marriage), a union contract lays out the responsibilities of each side to the other and the time period in which these responsibilities must be met. Union contracts last for up to THREE YEARS. At that time another contract must be negotiated between the Union and the Company.

THE UNION AIMS to make each contract better than the last. We cannot get everything we want overnight, or even over three years. But if we build a strong local union we can get steady improvements in wages, benefits, conditions of work and workers rights with each contract.

A GOOD CONTRACT MUST cover as many aspects of our working life as possible. It must also be written so that our benefits and rights are clearly spelled out. There is no room for misinterpretations or loopholes for the Company to take advantage of. Finally, it must include an agreed way of settling any differences of opinion we have with the Company during the life of the contract. We must make sure our members get every improvement that we have bargained for.

Here is a list of things covered by a typical contract:

I. ECONOMIC QUESTIONS

Regular Wage Rates

____ Hourly Wage Rates
____ Production, or Piece Rates
____ Wage Increases (when and how much)
____ Cost of Living Increases
____ Job Classifications/Job Descriptions

Special Rates of Pay

____ Hiring Rates, and Progression
____ Training Rates, and Progression
____ Rates for Temporary Transfers
____ Down Time
____ Overtime (overtime rates, hours of work, work on holidays, etc.)
____ Shift Pay, or Shift Premiums
____ Reporting Pay
____ Call-In Pay

Pay When Not Working

____ Jury Duty Pay
____ Sick Leave Pay and Sick Days (how much, how many days)
____ Funeral Leave Pay (how many days, for which relatives)
____ Paid Holidays (how many, which days each year)
____ Vacation Pay (how many weeks, for how many years of service)

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II. FRINGE BENEFITS

The Union aims to negotiate more and better benefits for the members and to have these improved benefits paid for by the Company as much as possible.

____ Pensions
____ Medical and Health Insurance
____ Life Insurance
____ Paid Holidays
____ Vacations

III. SENIORITY

Your plant-wide Seniority is your length of service with the Company as compared with other workers. There is also Departmental Seniority and Job Seniority. The Union aims to take from the Company the power to pick and choose favorites among the employees and negotiate a contract that makes Seniority the most important factor in all the following situations:

Layoffs--last in, first out
Recall--last out, first in
Overtime--(who gets it, and how often)
Temporary Transfers--(who gets them)
Promotions and Job Openings--(all job openings to be advertised in plant by the company and all employees given chance to bid on jobs they would like, with job going to senior applicant, usually if qualified)
Leaves of Absence--(for personal reasons or Union Business, contract gives right to return to job after leave with full seniority, etc.)

IV. OTHER LANGUAGE IN CONTRACT

Recognition Clause
Company agrees to deal with the Union (including your Shop Stewards and Local Union Officers) as the only legal representatives of the workers in your plant, in any matter that affects the workers.

Bulletin Boards
Company agrees to give your local union space on bulletin boards inside the plant to display union notices, etc.

Check-Off
Company agrees to deduct union dues from pay checks of everyone who joins the union and to send the money to the union.

Non-Discrimination
Company agrees to treat all workers fairly and equally without discrimination.

Duration of Agreement

However long the contract lasts (1, 2, or 3 years) and date and time it expires. Both the Company and the Union will try to negotiate a new contract before this date.

Strikes or Lockouts

Union agrees it will not strike until the contract expires. Company agrees it will not lock workers out in order to force a change in terms of contract until agreement ends.

Management Rights

Union gives Company the right to make certain decisions without discussing them first with the Union--for instance, decisions about what products to make, when to buy new machinery, whether to put on more workers or an extra shift, and so on.

Discipline/Company Rules

Company agrees only to make rules that are fair and just and to apply them fairly and equally to all workers and not in a way that is unjust or discriminatory to any worker. Company agrees to post rules so workers know them, and to discuss changes with the Union. Finally, and most important, Company agrees that it will only discipline workers for "just cause." This means they must be able to prove, as in a court of law, that a person is guilty, and that the Union can take any case to Arbitration where we feel that a worker was disciplined unfairly.

Safety and Health

Company agrees to work for the best possible safety and health conditions. Union can take health and safety problems through grievance procedure.

V. GRIEVANCE PROCEDURE

All contracts include a procedure to be followed in settling disputes between the Union and the Company. Whenever the Union feels that the Company has violated the contract or the law in any way, or treated any worker unjustly, the Union can file a grievance. If the Shop Steward and the worker involved cannot get satisfaction from their immediate Supervisor on the issue, the grievance is argued out at a meeting attended also by local union officers and management personnel. If we cannot get what we want at this stage, then your full-time union representative will come in and argue your case with plant management at a further meeting.

If we still cannot get satisfaction at this step, the contract gives the Union the right to take this case to Arbitration. Here both the Union and the Company present their cases to an arbitrator, an impartial or neutral umpire, who makes a decision according to the evidence. The arbitrator's decision is final and both the Union and the

"Handicapped Americans must overcome a greater handicap than any physical or mental disability—the handicap of prejudice. And it is incumbent upon the trade union movement and representatives of management to provide leadership in breaking down the prejudice against handicapped individuals that denies them the employment essential to improving their lives . . .

"Clearly, the task of achieving equality for handicapped workers will require the efforts of all Americans, and we in the AFL-CIO pledge our efforts to achieve that goal."

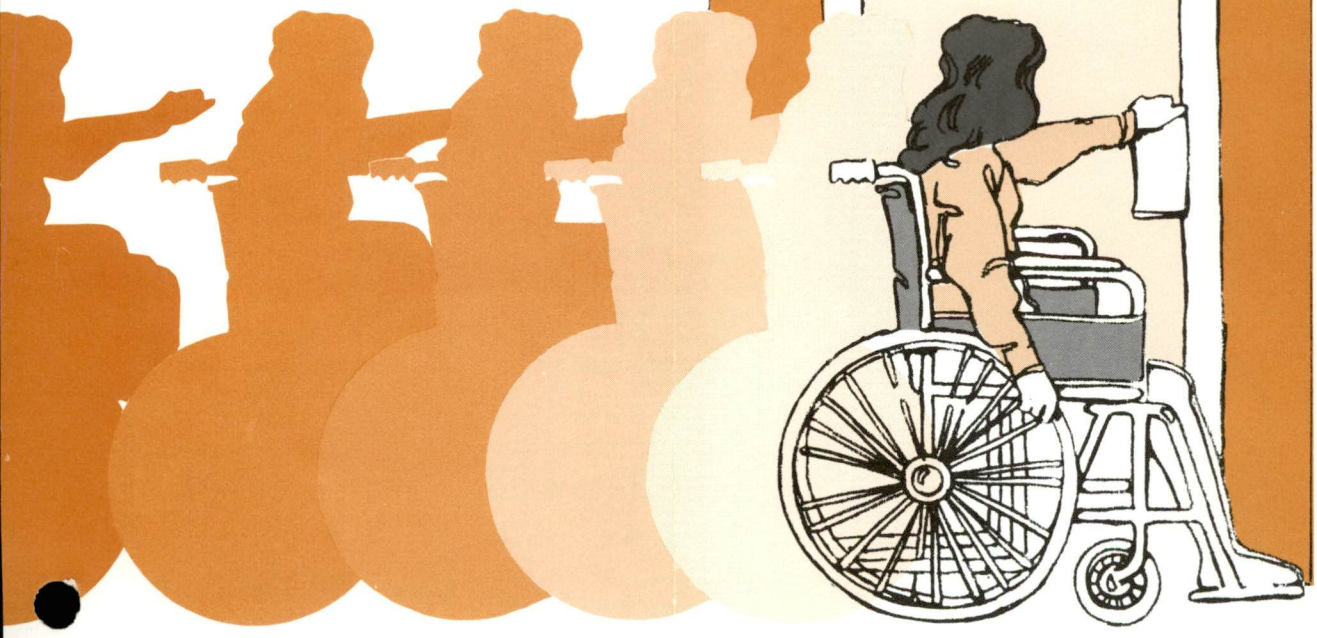
—AFL-CIO Executive Council

For more information, contact the nearest HRDI office or write or call:

AFL-CIO Human Resources Development Institute
Handicapped Placement Program
815 16th Street, N.W.
Washington, D.C. 20006
(202) 638-3912

Opening doors for the disabled . . . to good union jobs

Human Resources Development Institute, AFL-CIO



Placement Program

vices to disabled people, including disabled union members and veterans.

The Handicapped Placement Program is part of HRDI's nationwide effort on behalf of disabled Americans, carried out through HRDI field offices in 59 major cities.

As organized labor's employment and training arm, HRDI offers its technical services to labor organizations who wish to increase their involvement on behalf of disabled workers. HRDI also provides job counseling and placement services to disadvantaged and unemployed individuals. The placement of disabled persons in good jobs and training programs is one of HRDI's high priorities.





What Else Can Labor Do?

- Get to know the people at the vocational rehabilitation agencies and other community organizations that serve the disabled—and help them learn more about union employment or apprenticeship programs for their clients.
- Talk to your local HRDI representative or the HRDI Handicapped Placement Program to develop appropriate strategies to comply with affirmative action requirements.
- Offer your expert advice to employers in developing "reasonable accommodations" for handicapped workers—making job sites or tools more accessible, modifying work schedules or tasks, developing appropriate training, etc.
- Assist newly hired disabled workers to adjust to the work environment.
- Work with management in complying with affirmative action requirements.
- Look for ways of adapting apprenticeship programs to accommodate qualified disabled persons.
- Help vocational rehabilitation agencies design realistic training programs.



How Unions are Helping the Disabled

Unions recognize the capabilities of many disabled people to master a trade. Unions work cooperatively with employers to help the disabled make new strides in employment and develop work skills.

With union support, creative training and worksite accommodations are helping bring handicapped workers into union jobs and training programs.

Some unions have helped revise physical requirements so disabled workers can qualify for apprenticeship—without reducing the high training standards that are the hallmark of the apprenticeship system.

Other unions have developed agreements with management to make worksites, tools, and equipment accessible to disabled workers.

These kinds of activities make the most of union expertise on behalf of handicapped workers, including disabled union members.

HRDI Handicapped

The AFL-CIO Human Resources Development Institute (HRDI) is working to realize labor's goal of good jobs for the disabled.

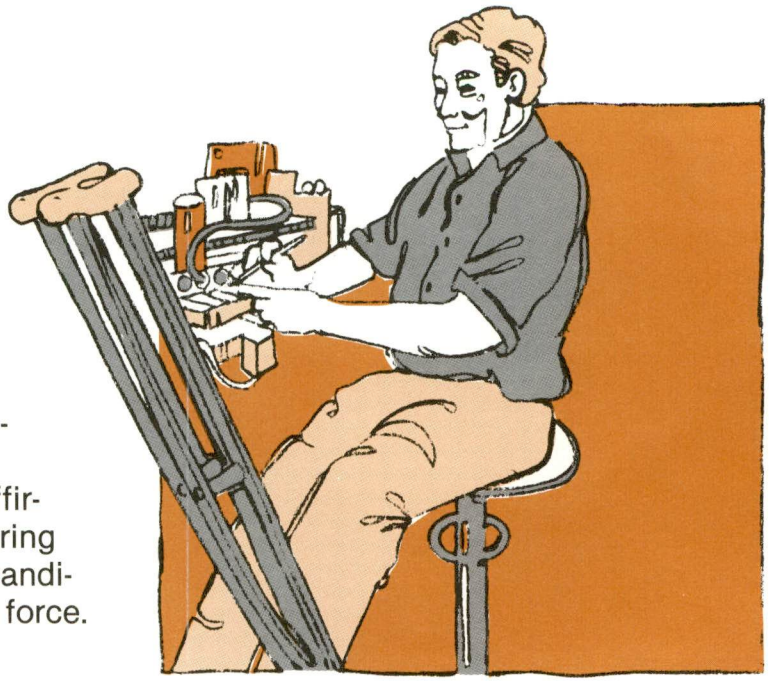
HRDI Handicapped Placement Specialists in nine cities are assisting disabled job-seekers. They also serve labor organizations that seek to develop programs for the handicapped, or that need assistance on affirmative action compliance.

HRDI Handicapped Placement Specialists work closely with vocational rehabilitation agencies, community groups, government agencies, and labor organizations, to provide job counseling, training, and employment ser-



Organized labor fully supports equal employment opportunity for all Americans, including the millions of disabled persons who are able to work despite mental or physical handicaps.

The AFL-CIO endorses affirmative action efforts to bring mentally and physically handicapped persons into the work force.



Affirmative action . . .

What does the law require?

Section 503 of the Rehabilitation Act of 1973 requires all employers who do business with the federal government to take affirmative action to employ qualified persons who are mentally or physically handicapped.

These employers must take affirmative action in all of their employment practices—hiring, training, promotions, transfers, pay rates, and the like.

They must make "reasonable accommodations" in their work places to enable qualified handicapped persons to work.

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of handicap in any federally assisted program.

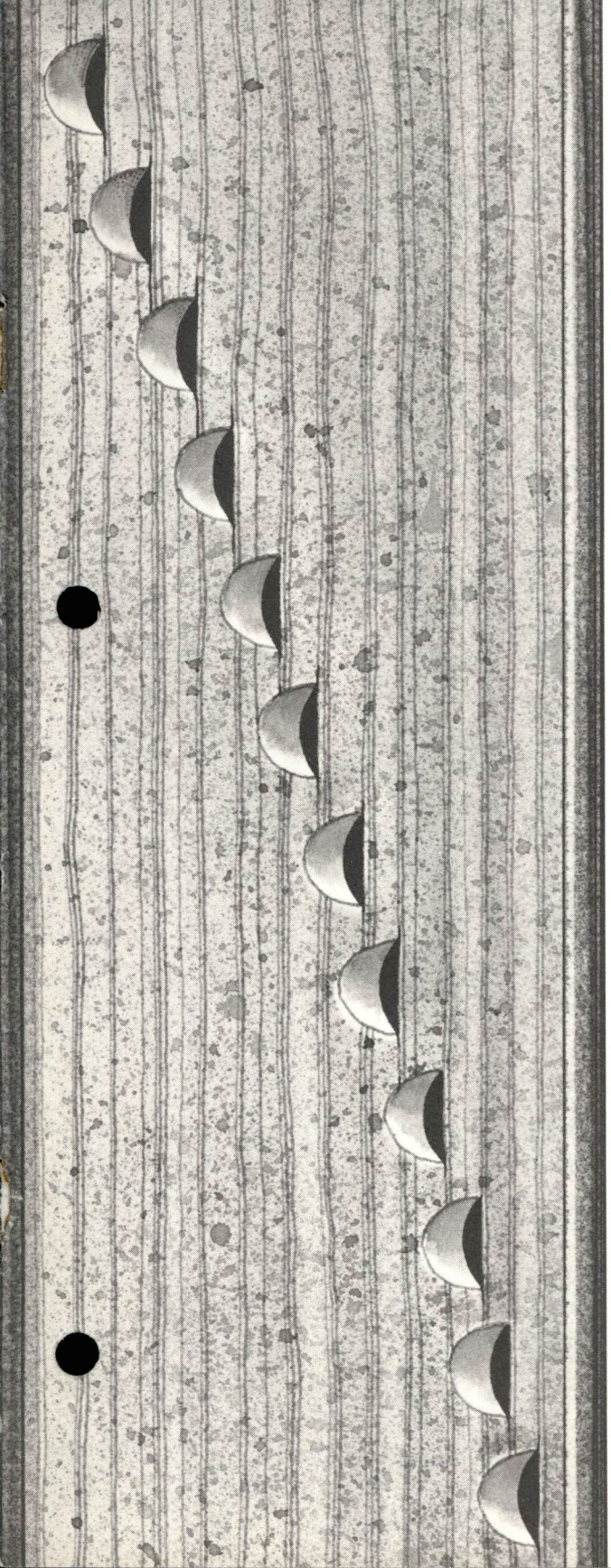
These programs may not discriminate in recruitment, hiring, wages, fringes, job assignments, seniority, or other practices.

They are also required to make "reasonable accommodation" to the limitations of the physically or mentally handicapped.

Collective bargaining agreements by law are not legitimate barriers to the implementation of the equal employment goals of Sections 503 and 504. This means that unions may choose to negotiate changes in agreements in order to facilitate the hiring of disabled workers.

The apprenticeship system is covered by Sections 503 and 504 whenever participating contractors or employers are involved in federally-funded contracts or programs. Apprenticeship program sponsors are expected to take affirmative steps to expand training opportunities for qualified disabled workers.

Good working relationships with vocational rehabilitation agencies are great assets to apprenticeship programs committed to fulfilling these affirmative action responsibilities.



Industrial and Labor Relations Terms: A Glossary

ILR Bulletin
Number 44

by
Robert E. Doherty

Fourth Edition

Industrial and Labor Relations Terms: A Glossary

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Robert E. Doherty

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Preface

This is the fourth edition of a volume first published in 1962. Since that time new words have entered the lexicon of labor relations practitioners, established terms have taken on new meanings, and others seem to have vanished. It is time that we bring descriptions into conformity with the matters described.

An example of an old term taking on a new meaning is *factfinding.* In 1962 that term was applied in those rare instances when the emergency dispute resolution provisions of the Taft-Hartley Act were invoked, and on rarer occasions, when disputes arose in public utilities. Now factfinding is widely used as a dispute resolution mechanism in public sector impasses.

New terms enter from at least three sources. The first source is the unknown and unsung practitioner who introduces a term that catches on: *front-loaded* is an example of a term that was practically unknown in 1962 but now has rich meaning for collective bargainers. Academics have been another source of change: for example, the term *cyclical unemployment,* which served us well for decades because it was almost self-defining, has been deemed archaic by labor economists who now insist that we use the more obscure *demand-deficiency unemployment* in its stead. Finally, changes in public policy have engendered new jargon: in 1962, few employers and union leaders could define *affirmative action;* in 1979 they not only could explain it but actively vied with each other to show which side favored it the more.

Terms that are used only by a handful of authorities or practitioners ("we held the concession in *hostage*") have been omitted. Neologisms and little-used shadings of old words "which being not admitted into general use, stand yet as candidates or probationers," Samuel Johnson observed, "and must depend for their adoption on the suffrage of futurity."

A number of my colleagues at the New York State School of Industrial and Labor Relations assisted me in making this revision. I want in particular to thank Mary E. Gallo, who identified many lexicographical gaps in the earlier editions as well as the several terms that required refurbishing. Others who lent their skills and knowledge to the task are Professors Donald Cullen, Ronald Ehrenberg, Michael Gold, James Gross, Frank Miller, and Robert Smith. Melissa Harrington not only typed many versions of the manuscript, but her watchful eye saved me from several blunders.

Glossary

A

Terms shown in italics within a definition are defined elsewhere in this glossary.

AAA. See *American Arbitration Association.*

AAP. See *affirmative action plan.*

Ad hoc arbitration. A system whereby the union and the employer jointly choose arbitrators on a case-by-case basis. This method is distinguished from other systems in which the union and management agree on a permanent umpire who hears all arbitration cases or on a panel of arbitrators who hear cases on a rotating basis.

Administrative law judge. An employee of the *National Labor Relations Board* who issues decisions in cases where an *unfair labor practice* has been charged. Once a *field examiner* has conducted a preliminary investigation of the charge, the administrative law judge hears the case. The administrative law judge's opinion may be appealed by either party to the NLRB. Formerly called "trial examiner."

Advisory arbitration. A form of *arbitration* in which the arbitrator's award recommends a solution to a dispute but is not binding on the parties. See *factfinding.*

AFL-CIO. See *American Federation of Labor–Congress of Industrial Organizations.*

Affirmative action. Equal employment practices that go beyond simple avoidance of practices discriminatory toward protected groups and include positive steps to overcome the effects of past discrimination. Such practices include active recruiting through media, schools, and areas where contact can be made with minority group members and women; counseling employee members of protected groups as to their opportunities for advancement in the organization; and preparing an *affirmative action plan* to which the employer is committed. Affirmative action is required under Executive Order 11246, as amended by Executive Order 12086, for employers wishing to qualify for federal contracts. It is also required by court order when the court decides that a pattern of past discrimination by an employer makes such positive steps the appropriate remedy under *Title VII, Civil Rights Act of 1964.* Not to be confused with *equal employment opportunity.*

Affirmative action plan (AAP). A recruitment and staffing program established by an individual employer not only to comply with the requirements of *Title VII, Civil Rights*

Act of 1964 but to implement the more positive approach of *affirmative action.* An affirmative action plan reflects an analysis of the representation of women and minorities within the employer's organization and a survey of the availability of minorities and women for employment. The plan also establishes goals for the hiring and promotion of these groups and the means and time by which the goals are to be attained. Another component of an AAP is information regarding compensation schedules for protected groups and measures proposed and taken to rectify pay inequities. AAPs are required for employers wishing to qualify for federal contracts. See *Title VII, Civil Rights Act of 1964.*

Agency shop. A *bargaining unit* covered by a union security clause in the *collective bargaining agreement* stating that the nonunion employees in the unit must pay the union a sum equal to union fees and dues as a condition of continuing employment. The contract does not, however, require nonunion workers to join the union. The agency shop was a compromise between the union's desire to eliminate the *free rider* by means of compulsory membership and management's desire to make union membership voluntary. It is the most commonly encountered union security measure in the public sector. In most public jurisdictions, however, the nonmember employee working under a contract containing an agency shop provision need pay only a *fair share* of the dues, namely, the prorated amount it takes to negotiate and administer the contract. In the Supreme Court case *Abood* v. *Detroit Board of Education,* the Court ruled that no public employee could be compelled to contribute toward the union's pursuit of its political and ideological objectives.

Alexander* v. *Gardner-Denver. See *Gardner-Denver.*

American Arbitration Association (AAA). A private nonprofit agency that encourages *arbitration* as a means of settling disputes. The AAA maintains panels of arbitrators in large American cities.

American Federation of Labor–Congress of Industrial Organizations (AFL-CIO). A federation of *craft* and *industrial unions,* as well as unions of a mixed structure, created in 1955 by the merger of two more specialized federations. The American Federation of Labor (AFL) was organized in 1881 as a federation of *craft unions.* Originally called the Federation of Organized Trade and Labor Unions of the United States and Canada, the title American Federation of Labor was adopted in 1886. The Congress of Industrial Organizations (CIO) originated in 1935 as the American Federation of Labor's Committee for Industrial Organization, which was formed to spur organization of employees in mass-production industries along the lines of industrial organization. Unions organized by the committee were expelled from the AFL in 1937, and in 1938 the committee formed an independent federation, the Congress of Industrial Organizations, with John L. Lewis as its first president. Created in 1955 by the merger of the American Federation of Labor and the Congress of Industrial Organizations, the AFL-CIO is not in itself a *bargaining agent.* Its primary functions are education, lobbying, and assisting constituent unions in organizing. In 1976 the federation represented 15.3 million of the nation's 22.5 million union members. Approximately 20 percent of the members of the total civilian labor force are members of the 133 AFL-CIO international and national affiliates.

Annual improvement factor. A yearly adjustment rate used in granting wage increases in recognition of workers' share in increased productivity. An annual improvement factor is incorporated in several *collective bargaining agreements,* most notably the

one between General Motors and the United Auto Workers. See *productivity* and *productivity bargaining.*

Apprenticeship training. An arrangement whereby an employee enters into an agreement with an employer and a union, and sometimes vocational school authorities, to learn a skilled trade by work experience and technical instruction. Successful completion of the training allows admission into *journeyman* ranks. In order to protect job opportunities for journeymen, unions usually restrict the number of apprentices to a certain percentage of practicing journeymen. The length of training varies from two to three years for operating engineers to six years for compositors and [redacted]ecasting machinists.

Arbitrability. The potential of an issue in dispute to fall within an arbitrator's jurisdiction. Arbitrability is of two types: procedural, dealing with matters of timeliness and adherence to particular steps before arbitration, and substantive, related to the scope of an arbitration provision in a *collective bargaining agreement.* Most contractual arbitration clauses describe the types of questions that may be referred to an arbitrator. Questions of arbitrability are decided by the arbitrator or the court, depending upon the law and the arbitration provision.

Arbitration. A method of settling a labor-management dispute by having an impartial third party, known as an arbitrator, render a decision that is binding on both the union and the employer. There are two types of arbitration: *grievance arbitration* and *interest arbitration.* See *advisory arbitration* and *med arb.*

Areawide bargaining. A type of [redacted]*tiemployer bargaining* in which bargaining takes place between union and employer representatives on a local or city level. This is the usual form of bargaining for construction, bakery, and laundry industries. Not to be confused with *regional bargaining.*

Authorization card. A statement solicited from individual employees by a union during an organizing drive. The statement either indicates the employee's desire for an election in which the question is whether there shall be a union, or it authorizes the union to represent the employees for purposes of *collective bargaining.*

Automation. A self-regulating mechanical process. Automation is usually characterized by (1) substitution of machines for human labor and skills; (2) feedback, in which machines are self-regulated so as to meet predetermined requirements (a simple example of feedback is the operation of a thermostatically controlled furnace); and (3) continuous process, where production facilities are linked together, thereby integrating several separate elements of the production process into a unified whole. There are three basic kinds of automated processes: (1) assembly line automation, characteristic of the automobile industry; (2) computerization, as found in many modern offices and businesses; and (3) utilization of complex electronic equipment as controls in the manufacturing and processing of products, such as in the refining industry. In some industries, automation has caused a reduction in the number of workers required in the production and clerical fields.

Award. The final decision of an arbitrator, binding on both parties to the dispute. Often a rationale or opinion accompanies the decision.

B

Back-loaded. Providing a greater wage increase during the later part of a multiyear agreement. Used to describe a contract. See *front-loaded.*

Back pay. Wages due an employee because of (1) employer violation of the overtime or minimum wage provisions of the *Fair Labor Standards Act* or of *Title VII, Civil Rights Act of 1964;* (2) suspension or discharge in violation of the *collective bargaining agreement;* or (3) adjustment of piece rate following a *grievance.* To be distinguished from *retroactive pay.*

Back-to-work movement. A return of strikers to their jobs before their union has declared an end to the strike. Some back-to-work movements are induced by management in an attempt to get workers to abandon a strike. Others are brought about by the workers themselves, either as a protest against the stand of their union leaders or because economic pressures force them to go back to work.

Bargaining agent. A union that is the exclusive representative to the employer of all workers, both union and nonunion, in a *bargaining unit.* An employer may voluntarily recognize a particular union as a bargaining agent for his or her workers, or the question of representation may be settled by a secret-ballot election, conducted by the *National Labor Relations Board* or the appropriate state agency. See *certification, exclusivity,* and *representation election.*

Bargaining unit. A group of jobs in a firm, plant, or industry with sufficient commonality to constitute the unit represented in *collective bargaining* by a particular *bargaining agent.* A bargaining unit represented by a *craft union* might comprise, for example, all members of a trade, such as tool and die makers, in a plant; a bargaining unit represented by an *industrial union* might consist of all production workers in a plant or in all plants in a company.

BFOQ. See *bona fide occupational qualification.*

Bill of Rights. Provisions in the *Landrum-Griffin Act* that guarantee union members the rights to meet with other members and express views on union business and to have a fair trial in matters of internal discipline.

Blacklist. A list of workers circulated among employers containing the names of workers considered troublesome. Workers whose names are listed are often fired from their jobs or not hired in new jobs. At one time, workers active in union organization were blacklisted in order to curtail the growth of unions. Declared an *unfair labor practice* by the *National Labor Relations Act* in 1935. The practice is now generally in disuse.

BLS. See *Bureau of Labor Statistics.*

Blue-collar worker. A manual worker, specifically, a maintenance or production worker. In recent years, the percentage of blue-collar workers in the labor force has declined considerably. In 1979, the *United States Department of Labor* estimated that blue-collar or manual laborers accounted for 34 percent of the nonagricultural labor force, as compared with almost 70 percent in 1900. Blue-collar workers have always been the greatest source of membership in American unions. See *production worker, service worker,* and *white-collar worker.*

Blue flu. A job action in which large numbers of uniformed workers of a law enforcement agency call in sick. The purpose of the blue flu is to win concessions from the employer without resorting to an illegal strike.

Bona fide occupational qualification (BFOQ). An exception to *Title VII, Civil Rights Act of 1964,* provided for in the act, that permits an employer to discriminate on the basis of sex, religion, or nationality (but not race) when such discrimination is a bona fide occupational qualification. The *Equal Employment Opportunity Commission* and the courts interpret what constitutes a BFOQ. For example, sex would be a permissible BFOQ if a movie producer wanted to hire an actress rather than an actor to portray a female in a movie. On the other hand, the EEOC has ruled that a refusal to employ women as salespersons because they are considered less aggressive than men is not a BFOQ. See *affirmative action* and *Title VII, Civil Rights Act of 1964.*

Boulwareism. A bargaining strategy in which an employer attempts to persuade the employees that his or her initial offer is in their best interests, thus bypassing the union, and changes this offer only if he or she receives new information or persuasive arguments from the union. Originally named after a vice president of the General Electric Company who used this bargaining tactic. In *National Labor Relations Board* v. *General Electric Company* (1969), the Court of Appeals declared that this activity is a refusal to bargain in good faith and thus an *unfair labor practice.*

Boycott. An organized refusal by employees and their union to deal with an employer, used to win concessions. Primary boycotts usually take the form of putting pressure on consumers not to buy the goods of an employer who is directly involved in a dispute. In the dress industry, for example, the International Ladies' Garment Workers' Union frequently boycotts the sale of non-union-made dresses. Secondary boycotts are those in which pressure is exerted on employers who are not directly involved in a dispute, for instance, workers of company A refuse to use or handle goods of company B, which is engaged in a labor dispute. Workers in the two companies are often but not always members of the same union. The *Taft-Hartley Act* outlawed certain types of secondary boycotts, and the *Landrum-Griffin Act* placed additional restrictions on such activities.

Bumping. A practice allowing a worker laid off from a job for lack of work to displace some other worker with less *seniority* in the same plant. Often provided for in *collective bargaining agreements,* bumping is designed to protect job rights of workers with the greatest seniority.

Burden of proof. In an *arbitration* proceeding, the responsibility placed upon one of the parties, depending on the issue, to prove to the arbitrator's satisfaction the correctness or truth of the allegations made. It can mean the burden of producing evidence, the burden of pleading, and the burden of ultimate persuasion.

Bureau of Labor Statistics (BLS). A unit of the *United States Department of Labor* that collects and publishes information on the cost of living, the volume of employment and unemployment, labor turnover, industrial disputes, and other matters relating to the world of work.

Business agent. A full-time officer of a *local union* who handles *grievances,* helps enforce contracts, and performs other tasks in the day-to-day operation of a union. To be distinguished from *international representative* and *shop steward.*

C

Call-back pay. Compensation, often at higher rates, to workers called back on the job after completing their regular shift. *Collective bargaining agreements* usually provide for a minimum number of hours pay for these returning workers, regardless of the number of hours worked.

Call-in pay. Compensation, usually from two to eight hours wages, guaranteed to a worker who reports for work and finds there is insufficient work for him or her to do. Provisions for call-in pay are usually spelled out in *collective bargaining agreements.*

Certification. Determination by the *National Labor Relations Board* or an appropriate state agency that a particular union is the majority choice, and hence the exclusive *bargaining agent,* of all employees in a particular *bargaining unit.* Certification by the National Labor Relations Board requires that the determination follow a secret-ballot election.

CETA. See *Comprehensive Employment and Training Act.*

Checkoff. The deduction of union dues, assessments, and initiation fees from the pay of all union members by the employer, who transmits these funds to the union. Since the passage of the *Taft-Hartley Act* in 1947, union members must give written permission for these sums to be deducted.

Chief executive officer. In public sector statutes, the head of the executive branch of a government unit. The chief executive officer may be a governor, a mayor, or, in the case of school districts, a superintendent of schools or district principal.

Civil Rights Act of 1964. See *Title VII, Civil Rights Act of 1964.*

Civil service. A central personnel bureau within a governmental unit. A civil service has a function similar to a corporate personnel unit in that it advises, formulates policy, and regulates employment procedures. The selection processes for many public sector jobs are based on the *merit system* and make use of tests standardized by civil service. Civil services were established in response to the problems stemming from the appointment of persons to government jobs for political reasons.

Civil Service Reform Act of 1978. A federal law enacted in 1978 to improve the federal civil service system. Among the important provisions of the law are (1) the reorganization of the Civil Service Commission into the Office of Personnel Management, which administers civil service policies, and the Merit System Protection Board, which is responsible for protecting civil service employees from prohibited employment practices; (2) the creation of a senior executive service, designed to attract and retain top-grade-level managers and supervisors by providing a more flexible means of linking salary increases to improved job performance; and (3) the regulation by statute of the federal labor-management relations program, which previously operated under Executive Orders 10988 and 11491.

Clayton Act. A law passed in 1914 that remedied the inadequacies of the *Sherman Antitrust Act* (1890) in dealing with business mergers and monopolistic practices. The act exempted unions from the coverage of the Sherman Antitrust Act and stated that labor

organizations were not illegal combinations or conspiracies. Samuel Gompers, president of the American Federation of Labor, hailed this act as the "Magna Carta for labor."

Closed shop. A *bargaining unit* covered by an agreement between an employer and a union that, as a condition of employment, all employees must belong to the union before being hired. The employer also agrees to retain only union members in his or her business. This form of union security was declared illegal by the *Taft-Hartley Act* in 1947. To be distinguished from *union shop.* See *union security clauses.*

Coalition bargaining. A form of *collective bargaining* in which several different unions representing different categories of employees of a single employer attempt to coordinate their bargaining. Some of the reasons for coordinating the bargaining include increasing the effectiveness of strikes, preventing divide-and-conquer tactics on the part of the employer, and countering the increase in numbers of nonunion members in corporations and conglomerates.

Code of Ethical Practices. A code of union ethics, drawn up in 1957 by the *Ethical Practices Committee* of the AFL-CIO and adopted by the convention of the AFL-CIO, that sets standards of trade union morality. Suspected breaches of these standards by affiliated unions may be investigated and recommendations for remedial action made to the *Executive Council* of the AFL-CIO. The code deals with financial responsibility of union officers, racketeering, union democratic processes, and other matters.

COLA. See *cost-of-living adjustment.*

Collective bargaining. A method of determining terms and conditions of employment by *negotiation* between representatives of the employer and union representatives of the employees. The results of the bargaining are set forth in a *collective bargaining agreement.* Collective bargaining, which determines terms and conditions of employment for all workers in a *bargaining unit,* is to be distinguished from individual bargaining, which applies to negotiations between a single employee and the employer.

Collective bargaining agreement. A written contract resulting from *negotiation* between an employer or a group of employers and a union or group of unions, which sets the terms and conditions of employment (such as wages, hours, *fringe benefits*) and the procedure to be used in settling disputes that may arise during the term of the contract. Contracts usually are in effect for a specified period (e.g., one, two, or three years).

Collective negotiations. A method for determining the terms and conditions of employment for public sector employees. Collective negotiations or professional negotiations have come to resemble collective bargaining in most respects, the chief distinction being that in most instances public sector employee organizations cannot use the bargaining leverage of a strike or threat thereof.

Collusion. A conspiracy engaged in by an employer and the certified representative of his or her employees to defraud the employees represented while providing the semblance of a genuine bargaining relationship.

Committee on Political Education (COPE). A division of the AFL-CIO. COPE's primary activity is to provide support for candidates for political office who have received endorsement of labor unions. Its activities are supported by voluntary contributions.

Common situs picketing. A form of *picketing* in which employees of a struck employer who work at a common site

with employees of at least one neutral employer may picket only at their entrance to the work site. The employees of the neutral employers must enter the work site through other gates. Picketing is restricted to the entrance of the struck employer so as not to encourage a secondary *boycott* on the part of the employees of the neutral employers. Common situs picketing is found most often in the construction industry.

Company union. An employee organization, usually of a single company, that is dominated or strongly influenced by management. Company unions were widespread in the 1920s and early 1930s. The *National Labor Relations Act* of 1935 declared that such employer domination is an *unfair labor practice,* and company unions have since been on the decline.

Comprehensive Employment and Training Act, 1973 (CETA). Manpower legislation designed to provide job training and employment opportunities for the economically disadvantaged and the hard-to-employ. Unlike previous manpower legislation, the funding for CETA programs is allocated by the federal government to a "prime sponsor" (a local governmental unit of one hundred thousand or more persons), which is responsible for assessing the employment and training needs of its community and setting up specific programs for these purposes. This type of funding is known as revenue sharing.

Conciliation. See *mediation.*

Confidential employee. An employee who, although he or she may have no supervisory responsibilities, has access to information about the organization's labor relations policy and is therefore ineligible for inclusion in a *bargaining unit* or coverage by a bargaining agreement. The secretary to the director of labor relations, for example, would be classified as a confidential employee. Labor relations statutes often specifically exclude confidential employees from the bargaining unit.

Conspiracy doctrine. The doctrine, developed in English common law, which holds that certain acts that are lawful when performed by an individual (e.g., a worker's demand for an increase in pay) are unlawful when performed by a group (e.g., several workers acting in concert to demand an increase in pay). In the early nineteenth century, American courts held that labor combinations (unions) formed to secure higher wages and other benefits were conspiracies. In 1842, in the case of *Commonwealth* v. *Hunt,* a Massachusetts court declared that labor combinations were not in themselves illegal. After that decision, prosecutio against unions were based on the illegality of methods used or ends sought rather than on the issue of conspiracy. See *Clayton Act* and *Sherman Antitrust Act.*

Consumer Price Index (CPI). See *cost-of-living index.*

Contract. See *collective bargaining agreement.*

Contract bar. The existence of a valid *collective bargaining agreement* that precludes a labor relations agency from honoring a request for an election by a rival union or a petition for a decertification election. The *National Labor Relations Board* will not deal with representation questions during the life of an agreement, unless a petition is filed at least sixty days before but not more than ninety days before the expiration of a current contract. Customarily, however, the NLRB will not permit a contract to bar an election for more than a three-year period. See *certification* and *representation election.*

Cooling-off period. 1. A required period of delay (fixed by federal or state law) following legal notice of a pending labor dispute during which

there can be neither strike nor lockout. 2. An eighty-day period during which a strike or lockout is prohibited by *injunction* of the federal courts. If the president believes a strike or threatened strike or lockout imperils the nation's health and safety, he or she is authorized by the national emergency provisions of the *Taft-Hartley Act* to direct the attorney general of the United States to seek an injunction from the federal courts. Wages and conditions of work are usually frozen under conditions set by the previous contract. Every effort is made during this time to settle the dispute. If, at the end of the eighty-day period, there has been no settlement, the strike or lockout may legally be resumed. See *emergency dispute* and *factfinding.*

Cost-of-living adjustment (COLA). A provision in a *collective bargaining agreement* that relates wage increases to the cost of living during the period of an agreement. Most COLA clauses provide for a portion of Consumer Price Index increases to be reflected in the increase, for instance, a 1.0 percent increase in the Consumer Price Index might result in a 0.4 percent increase in wages. COLA clauses are designed to prevent dramatic declines in *real wages.* Sometimes referred to as an "escalator clause." See *cost-of-living index.*

Cost-of-living index. A measurement of changes in prices of goods and services purchased by urban wage earners and clerical workers. Wages of workers whose union contracts contain a *cost-of-living adjustment* clause fluctuate with the cost-of-living index. The best known and most widely used index is the Consumer Price Index, compiled monthly by the *Bureau of Labor Statistics.*

Craft. A manual occupation that requires extensive training and a high degree of skill, such as carpentry, plumbing, or operating a linotype machine.

Craft union. A union that limits its membership to those workers in a particular *craft.* Most craft unions today, however, have broadened their *jurisdictions* to include many occupations and skills not closely related to the originally designated craft. Thus the International Association of Machinists, a craft union, has brought production workers in the aircraft industry into the union. See also *American Federation of Labor–Congress of Industrial Organizations* and *industrial union.*

Cyclical unemployment. See *demand-deficiency unemployment.*

D

Demand-deficiency unemployment. Joblessness resulting from fluctuations in the total spending in the economy. This condition occurs when there is not enough aggregate demand for products or services to provide employment for the entire work force, no matter where people are placed or how they are trained. Previously this type of unemployment was referred to as "cyclical unemployment." See *frictional unemployment, seasonal unemployment, structural unemployment,* and *technological unemployment.*

Department of Labor. See *United States Department of Labor.*

Depression. A period during a business cycle when the economy is at a low productive level and unemployment is very high. During the Great Depression of the 1930s unemployment rose as high as 24.9 percent.

Disability insurance plans. Insurance schemes designed to compensate workers for wage loss due to injuries and illnesses, usually those contracted while not on the job.

Discouraged worker. An individual who does not look for employment because he or she believes that jobs are not available or that no jobs are available for which he or she could qualify.

Duty of fair representation. A union's obligation to represent fairly all individuals in the *bargaining unit.* The Supreme Court has held that the power of a majority representative to speak for all *bargaining unit* employees gives rise to a duty to represent those employees fairly and in good faith. A bargaining representative has a duty both in *collective bargaining* negotiations and in the enforcement of the *collective bargaining agreement* to serve the interests of all members of the bargaining unit without hostility, discrimination, or arbitrary conduct — whether or not members of the bargaining unit are members of the union or voted for the union and whether or not they are members of some racial or ethnic minority group.

E

Economic strike. A work stoppage resulting from a dispute over wages, hours, and other terms of employment. Economic strikers retain employee status, but may be permanently replaced and are not entitled to bump their replacements upon termination of the strike. Economic strikers are eligible to vote in a representation election conducted during the strike unless the election is held more than twelve months after the commencement of the strike.

EEO. See *equal employment opportunity.*

EEOC. See *Equal Employment Opportunity Commission.*

Emergency dispute. A labor-management dispute believed to endanger the public's health or safety. While there is little consensus on what conditions constitute an emergency dispute, federal law has attempted to provide mechanisms to resolve them. In most private sector disputes affecting the entire nation, the *Taft-Hartley Act* authorizes the president to determine whether a threatened strike imperils the national health or safety and, if so, to appoint a *factfinding* board. If factfinding fails to bring the parties to agreement, the president is empowered to seek an injunction against the strike for up to eighty days. Similarly, in major disputes involving interstate rail and air carriers, the *Railway Labor Act* establishes procedures for delaying a strike while factfinding is employed. Since the mid-1960s, the emergency potential of public sector disputes has been of considerable concern, and in most jurisdictions government employees are forbidden to strike.

Employee Retirement Income Security Act of 1974 (ERISA). Federal legislation that regulates private pensions. The law was enacted to ensure that all employees covered under pension plans would receive the benefits promised. ERISA does not require employers to establish pension plans; rather, it sets minimum standards for employee participation, *portable pension plans, vesting* rights, funding, reporting, and disclosures that all plans must meet.

End run. A tactic in which a *bargaining agent* bypasses one level of management or statutory authority and approaches a higher level with the intention of securing or negotiating a more favorable agreement.

Equal employment opportunity (EEO). In hiring and employment practices, the absence of discrimination on the basis of race, color, religion, sex, or national origin. Required by the Equal Employment Opportunity Act of 1972, which amends *Title VII, Civil Rights Act of 1964.*

Equal Employment Opportunity Commission (EEOC). The Equal Employment Opportunity Commission was established by *Title VII, Civil Rights Act of 1964,* which prohibits employers and labor unions with twenty-five or more employees or members from discriminating against an individual because of race, color, religion, sex, or national origin. The act is frequently invoked to secure equal rights for female employees performing the same job as male employees, as well as to eliminate ability tests that discriminate against the above-mentioned groups. The EEOC attempts to enforce Title VII by conciliation agreements. In 1972 the Civil Rights Act was amended so that the EEOC has the power to bring enforcement actions directly through the federal courts. See *affirmative action.*

ERISA. See *Employee Retirement Income Security Act of 1974.*

Escalator clause. See *cost-of-living adjustment.*

Escape clause. See *maintenance-of-membership clause.*

Ethical Practices Committee. A body within the AFL-CIO, established by the *Executive Council* in 1955, charged with the task of keeping the AFL-CIO "free from any taint of corruption or communism." The committee was given authority to conduct investigations, hold hearings, and make recommendations to the Executive Council. See *Code of Ethical Practices.*

Exclusivity. The right acquired by an employee organization to be the sole representative of all employees in the *bargaining unit.* Most collective bargaining statutes in the United States provide for exclusivity. See *duty of fair representation.*

Executive Committee, AFL-CIO. A policy-making and advisory body of the AFL-CIO composed of the president and secretary-treasurer of the AFL-CIO and six vice presidents selected by the *Executive Council.* The committee carries on the work of the AFL-CIO between meetings of the Executive Council.

Executive Council, AFL-CIO. A body within the AFL-CIO consisting of the president, secretary-treasurer, and twenty-seven vice presidents. The Executive Council, which meets three times a year, is the governing body of the organization. Many of its actions are subject to approval of the AFL-CIO convention, however.

Executive Order 11491. An order issued in 1969 by President Richard M. Nixon. It revised Executive Order 10988 issued by President John F. Kennedy in 1962, which established the first government labor relations program, by extending limited *collective bargaining* rights to federal employees.

Exempt employee. An employee who is not subject to the provisions of the *Fair Labor Standards Act.* For the most part, employees whose compensation is based on an annual sum, rather than on an hourly rate, are considered exempt.

F

Factfinding. Investigation of a labor-management dispute by a board or panel, or by an individual, usually appointed by a chief executive of a government or a state agency that administers a labor relations law. Factfinding boards and factfinders issue reports that describe the issues in the dispute and frequently make recommendations for their solution. The *Taft-Hartley Act* requires the president to appoint a board of inquiry to investigate disputes threatening the nation's health or safety and report its findings to him. Several states have also enacted laws providing for factfinding to assist the parties in the resolution of labor disputes.

Fair employment practice (FEP) laws. Federal, state, and municipal laws and ordinances designed to bar discrimination in hiring, promoting, discharging, and other conditions of employment on the basis of race, creed, color, national origin, and in some cases, age. Also called fair employment laws. See *affirmative action* and *Title VII, Civil Rights Act of 1964*.

Fair Labor Standards Act (FLSA). A federal statute passed in 1938 that set minimum wages and maximum hours, requiring overtime rates for hours worked beyond the maximum and restricting child labor in industries engaged in interstate commerce. The original law called for a minimum wage of $0.25 an hour. Subsequent amendments have raised this figure and increased the number of categories of workers covered by the act. In 1979 the minimum rate was $2.90. Many states also have minimum wage rates covering employees who are not under the jurisdiction of the federal statute. See *exempt employee*.

Fair representation. See *duty of fair representation*.

Fair share. The amount a nonmember is compelled by a provision in the *collective bargaining agreement* to contribute to a union to support the union's collective bargaining activities. The fair share arrangement is frequently justified on the ground that the union is obliged to represent all employees fairly. See *agency shop, duty of fair representation,* and *free rider*.

Featherbedding. Labor practices, usually promoted by unions, that are inefficient or unprofitable for the employer, including payment for work not performed, refusal to allow adoption of labor-saving equipment, and creation of nonessential jobs. Unions often argue that so-called featherbedding practices are attempts to enhance safety and ensure quality work. The fear of workers that they might work themselves out of a job is another motivation for featherbedding. Congress has attempted to deal with featherbedding in the Lea Act of 1946; the Anti-Racketeering Act (as amended in 1946); and Section 8(b)(6) of the *Taft-Hartley Act*, 1947.

Federal labor union. A *local union* chartered directly by the AFL-CIO, usually involving workers over which no affiliated national or *international union* claims or asserts *jurisdiction*. Historically, a federal labor union has often been a transitional form leading to the organization of a national union. At one time, there were numerous federal labor unions in the rubber, auto, chemical, and cement industries.

Federal Mediation and Conciliation Service (FMCS). An independent federal agency created in 1947 to

provide mediators for private sector labor-management disputes in which interstate commerce is involved. It replaced the United States Conciliation Service, which was part of the *United States Department of Labor.*

FEP laws. See *fair employment practice laws.*

Fiduciary. An individual responsible for pension trust funds, such as an attorney, a pension trustee, an officer or director of a corporation.

Field examiner. An employee of the *National Labor Relations Board* whose primary duties are to conduct certification elections and to carry out preliminary investigations of *unfair labor practice* charges. To be distinguished from *administrative law judge.*

Final offer arbitration. A type of *interest arbitration* in which the arbitrator selects either the union's or the employer's final proposal. In some instances the arbitrator selects one side's entire "package," in other cases the final proposal of either party on each issue in dispute. Also known as "last best offer arbitration."

Flexitime. A work scheduling system that allows workers to vary their arrival and departure times but does not change the number of hours they must work. Most flexitime schedules are based on a flexible workday rather than week or month. They require employees to be present for a specified period known as "core time," but allow them to complete the remainder of the required hours at their discretion.

FLSA. See *Fair Labor Standards Act.*

FMCS. See *Federal Mediation and Conciliation Service.*

Free rider. A worker in a *bargaining unit* who is eligible for union membership but does not join the union. Union members maintain that free riders receive all the benefits of the union contract, yet do not pay the dues or fees that make these benefits possible. Opponents of compulsory unionism argue, on the other hand, that no worker should be forced to join a union as a condition of employment. See *agency shop, maintenance-of-membership clause, right-to-work laws,* and *union security.*

Frictional unemployment. Joblessness due to time lost in changing jobs rather than to lack of job opportunities; unemployment that would not be reduced significantly even if there were an increased demand for workers. See *demand-deficiency unemployment, seasonal unemployment,* and *technological unemployment.*

Fringe benefits. Nonwage items and payments received by or credited to workers in addition to wages, often not in exchange for time worked: for instance, *supplemental unemployment benefits,* pensions, vacation and holiday pay, and health insurance. Although fringe benefits antedate World War II, their growth was greatly stimulated in the war years because wage rates were frozen. Since many fringe benefits were not immediately inflationary (some benefits like pensions involved deferred expenditure), they were authorized by the National War Labor Board. In recent years, fringe benefits have accounted for an increasing percentage of worker income and labor costs. According to the Bureau of National Affairs, the cost of fringe benefits in 1976 came to nearly 36.7 percent of annual payrolls. Also called "fringes."

Front-loaded. Providing a greater wage increase in the early period of a multiyear *collective bargaining agreement* than in the later period. For instance, an 8 percent wage increase in the first year of a three-year agreement and a 7 percent increase in the two years following. See *back-loaded.*

Full crew rule. A regulation stating the minimum number of workers required

for a given operation. Originally designed as a safety precaution for both workers and the public, full crew rules are now alleged to be used by some unions to protect workers in jobs that are no longer essential. Railroad unions have been generally successful in getting these rules enacted into state law. Railroad management believes, for example, that the full crew rule requiring a fireman to ride in the cab of a diesel engine is *featherbedding.*

Full employment. Ideally, an employment level at which any person willing and able to work can find employment. There is considerable disagreement about the meaning of full employment, however, because of the *frictional unemployment* and *seasonal unemployment* that always exist. These factors bring an unemployment rate of between 2.0 and 4.0 percent of the labor force about as close to full employment as can be expected in a free economy. The lowest unemployment rate experienced in the United States was 1.2 percent in 1944.

G

***Gardner-Denver (Alexander* v. *Gardner-Denver* 1974).** The case in which the United States Supreme Court ruled that the right to a trial of an employee alleging discrimination under *Title VII, Civil Rights Act of 1964* is not precluded if that employee also has previously pursued the claim through the *grievance procedure* and *arbitration.* The Court noted, however, that if the employee chooses both the arbitration and trial routes, the trial judge may consider the arbitrator's decision in ruling on a Title VII claim. See *Steelworkers Trilogy.*

General strike. A strike by all or most organized workers in a given community or nation. Such strikes usually are politically motivated rather than being attempts to improve conditions of work, and are rare in the United States.

Good faith bargaining. Negotiations in which two parties meet and confer at reasonable times, minds open to persuasion, with a view to reaching agreement on new contract terms. Good faith bargaining does not imply that either party is required to make concessions or reach agreement on any proposal. Lack of good faith bargaining is an *unfair labor practice.*

Grandfather clause. A contract provision stipulating that those employees on the payroll before a specified time will not be subject to certain terms of a new contract. Thus if all current employees were working under a noncontributory pension plan, and the new agreement called for contributions by new hires, current employees would be "grandfathered" — they would still be beneficiaries of the noncontributory plan.

Grievance. An allegation, usually by an individual but sometimes by the union or management, of misinterpretation or misapplication of a *collective bargaining agreement* or of traditional work practices.

Grievance arbitration. A method of adjudicating a grievance, in which the grievance is submitted to an arbitrator for a final and binding decision, usually the last step of the *grievance procedure.* The arbitrator's task is to determine whether the contract or long-standing work practice, which frequently has the force of a contract provision, has been

misinterpreted or misapplied. Sometimes referred to as "rights arbitration."

Grievance procedure. The steps spelled out in a *collective bargaining agreement* for the handling of *grievances*. The intent of the process is to settle a complaint, customarily an allegation that the contract has been misinterpreted or misapplied, as soon as possible without interrupting the employer's operations. The first step usually occurs at the shop level, where most grievances are settled. If an agreement is not reached at this level, the grievance may be appealed in successive steps. The number and type of these steps vary among contracts. Most procedures call for *arbitration* of grievances as a final step.

Gross national product (GNP). The total value of all the goods and services produced in the nation as determined by the current prices paid for them. The GNP is usually computed on a yearly basis. According to the Bureau of Labor Statistics, in 1978 the GNP was 1.385 trillion dollars.

Guaranteed annual wage (GAW) plan. An arrangement in which an employer agrees to provide his employees a guaranteed minimum of employment or income for a year. Not widely practiced, GAW has, nonetheless, been an important bargaining issue in recent years. Unions argue that GAW plans add significantly to income and employment stability. Management argues, on the other hand, that GAW does not take into account the fluctuating demand for goods and would add significantly to the risk of investment, because wages would have to be paid even if the investment proved unprofitable.

H

Hidden unemployment. Joblessness not reflected in the standard unemployment rate. The hidden unemployed are those *discouraged workers* who do not look for work because they believe the search to be hopeless.

Hiring hall. A type of employment office, established to meet the needs of workers in the casual trades, for instance, the construction trades, maritime trades, or food services. When the *closed shop* existed, hiring halls were operated exclusively by the unions for the benefit of their members. Since 1947, when the *Taft-Hartley Act* outlawed the closed shop, hiring halls have commonly come to be operated jointly by labor and management often with state assistance or supervision. A characteristic practice of many hiring halls is the assignment of workers in strict order of their registration for jobs, thus preventing discrimination in job assignments.

Horizontal union. See *craft union*.

Hot cargo provisions. Contract provisions that allow workers to refuse to work on or handle "hot cargo" or "unfair goods," goods coming from a plant where there is a labor dispute. The *Landrum-Griffin Act* of 1959 outlawed such provisions, except for those affecting suppliers or subcontractors in construction work and jobbers in the garment industry.

ILO. See *International Labor Organization.*

Impact bargaining. Labor-management negotiations over the effects of employer decisions. Impact bargaining is allowed by an interpretation of a labor relations statute by an administrative agency or a court that says, in effect, that although a given issue may not be a mandatory subject of bargaining, the employer is obliged to bargain over the effect of the unilateral decision on that issue. Thus, even though an employer may unilaterally reduce the number of workers employed, the order of layoffs (which workers go first) is a mandatory subject of bargaining.

Impasse. In *negotiation,* a state in which no further progress in reaching agreement can be made. Either party may determine the point at which impasse has been reached. In the public sector, technical impasse occurs when agreement has not been reached by a specified number of days before the deadline for budget submission, even though the parties are continuing to bargain in good faith. In public employment, impasses are often resolved by the intervention of a neutral third party, such as a mediator or factfinder.

Improper practice. In public employment, an *unfair labor practice.* Used interchangeably with unfair labor practice.

Incentive wage plan. A system of compensation in which workers' earnings are directly related to their output rather than being based upon an hourly rate (e.g., ten cents per unit). Incentive wage plans are widespread in textiles, clothing, and certain other manufacturing industries. Often used synonymously with "piecework."

Increments. A series of successive additions to salary, provided for in a salary schedule. Employees are granted a specific salary increase for each year of service, either in a dollar amount or as a percentage of the previous year's salary. Salary schedules containing increments are commonplace in the public sector. Teachers, for example, frequently have salary schedules containing fifteen to twenty automatic increments.

Independent union. A union that is not affiliated with the AFL-CIO. The United Mine Workers, the Auto Workers, and the Teamsters are examples. There are also smaller independent unions confined to a single plant or company. Not to be confused with *company union.*

Industrial union. A union representing all workers, both skilled and unskilled, in a plant or industry. See *American Federation of Labor–Congress of Industrial Organizations* and *craft union.*

Industrywide bargaining. A form of *multiemployer bargaining* that results in a *master agreement* negotiated for all employees in an industry by one or more unions representing their workers throughout an entire industry. This is the usual form of bargaining for the coal and men's clothing industries.

Inflation. A continuous rise in the general price level due to an increase in the supply of money or credit or a limited supply of goods and services. Wage- or cost-push inflation occurs during periods of substantial unemployment when organized labor is able to secure wage increases and

employers, in turn, are able to increase prices even though the overall supply exceeds demand. This wage-price spiral leads to inflation. See *Phillips curve* and *stagflation.*

Injunction. A court order restraining individuals or groups from committing acts the court has determined will do irreparable harm. Before 1932, injunctions were secured with relative ease against labor unions that were *picketing,* striking, or threatening to strike. The *Norris-LaGuardia Act* of 1932 greatly limited the use of injunctions, but their use was reintroduced in certain situations by the *Taft-Hartley Act* of 1947. Injunctions are now issued in labor disputes that imperil the nation's health and welfare; they are also used to prevent certain *unfair labor practices.* There are two types of injunctions: temporary restraining orders, which are issued for a limited time before a complete hearing, and permanent injunctions, which are issued after a full hearing and remain in force until such time as the conditions that gave rise to their issuance have been changed.

Initiation fees. Payment to a union required of a worker when he or she joins the union, the amount usually being set forth in the union's constitution. The *Taft-Hartley Act* prohibits excessive or discriminatory fees in *union shops,* where workers are required to join the union to remain employed.

Interest arbitration. Adjudication to resolve an impasse in contract negotiations. Infrequently used in the private sector, interest arbitration has, since the early 1970s, become widespread in the resolution of disputes in the public sector, particularly for police and fire fighters. To be distinguished from *grievance arbitration.* See *final offer arbitration.*

Internal disputes plan. A method established by the constitution of the AFL-CIO for resolving disputes arising among affiliated unions.

International Labor Organization (ILO). An international body whose purpose is to better labor standards worldwide, founded during the peace conferences after World War I as part of the League of Nations. The ILO holds annual conferences of government, management, and labor representatives who discuss working conditions and set standards for improving them. The United States withdrew from the ILO in 1977.

International representative. A staff officer of an *international union* who is appointed by the union's executive board or president or regional vice president to serve as liaison between the national or international level of the union and the locals. The international representative usually comes from the ranks of union members, and his or her duties include aiding in the negotiating of contracts, assisting local unions in the handling of *grievances* and other matters, and organizing unorganized shops in the union's *jurisdiction.*

International union. The national organization of a labor union, so called because many unions have affiliates in Canada. Financially supported by a per capita tax of all its members, its chief functions are extending union organization; chartering *local unions;* setting jurisdictional boundaries; conducting educational programs; doing research in areas related to trade union objectives; engaging in lobbying; aiding local unions in bargaining; and, where *multiemployer bargaining* is used, negotiating directly with industry representatives.

J

Job action. A concerted activity by employees on the job designed to put pressure on an employer without resorting to a strike. *Work-to-rule* and a *slowdown* are job actions.

Job enlargement. A procedure that expands a job to include more tasks. If a job is enlarged "vertically," duties of increasing complexity are assigned, thus placing added responsibility on the employee. This is also known as *job enrichment.* If a large number of somewhat similar tasks are added to a job, it is called "horizontal" job enlargement.

Job enrichment. A process that gives an employee added responsibility and more autonomy in the workplace by broadening his or her tasks and duties. It is arguable that job enrichment provides more meaning to work for many workers. Job enrichment is also called "vertical" job enlargement.

Journeyman. A *craft* worker who has completed *apprenticeship training* and been admitted to full membership in a craft, for instance, a journeyman plumber or journeyman carpenter.

Judicial review. A court procedure to determine the legality of decisions issued by a labor relations board or an arbitrator. Judicial review is concerned solely with whether the decision is in violation of a statute and not with the merits or the substance of the decision.

Jurisdiction. 1. The area of jobs, skills, occupations, and industries within which a union organizes and engages in *collective bargaining. International unions* often assert exclusive claim to particular areas of employment. The Transport Workers Union's statement of jurisdiction, for example, claims representation rights for "all workers employed in, on or about any and all passenger and other transportation facilities and public utilities." Jurisdiction has always been a problem in organized labor, because two or more unions often claim the same jurisdiction. The AFL-CIO has attempted to cope with the problems by having unions affiliated with it sign *no-raiding agreements,* in which member unions agree not to trespass on one another's jurisdiction. These agreements, however, have not been completely observed. In the case of a *local union,* jurisdiction refers to a region within which the local union exercises authority exclusive of other locals of the same international. 2. An arbitrator's authority to hear a case. See *arbitrability.*

Jurisdictional dispute. A conflict between two or more unions over the right of their memberships to perform certain types of work. If the conflict develops into a work stoppage, it is called a *jurisdictional strike.* The term may also refer to conflict between two or more unions over organizing or representing groups of workers. Such conflicts can usually be resolved by a representation election conducted by the *National Labor Relations Board.*

Jurisdictional strike. A strike resulting from a dispute between two rival unions over representation rights or the right to perform specific work. Jurisdictional strikes were declared *unfair labor practices* in 1947 by the *Taft-Hartley Act.*

Just cause. Provocation found by an arbitrator to be sufficient to substantiate an employer's disciplinary

action. In making the determination, an arbitrator looks at the *collective bargaining agreement,* the customs and standards of the workplace and the community, standards of justice and equity, and the facts of the particular case.

L

Labor force. All persons sixteen and over who are either employed, temporarily idle, between jobs, or looking for work. The total labor force includes all military personnel. The United States civilian labor force in 1978 averaged 92.7 million, the total labor force, 94.9 million.

Labor-Management Relations Act. See *Taft-Hartley Act.*

Labor-Management Reporting and Disclosure Act. See *Landrum-Griffin Act.*

Landrum-Griffin Act (Labor-Management Reporting and Disclosure Act). A federal statute, passed in 1959, designed to rid unions of corruption and to ensure internal union democracy. It contains a "bill of rights" for union members, regulations concerning *trusteeships,* conditions to be observed in elections of union officers, and a definition of the fiduciary obligations of union officers. The law also forbids *hot cargo provisions;* tightens the *Taft-Hartley Act*'s restrictions against secondary boycotts; outlaws certain types of *picketing;* gives state agencies *jurisdiction* over disputes the *National Labor Relations Board* has declined to handle (*no-man's land* disputes); rescinds the noncommunist affidavit provisions of the Taft-Hartley Act and substitutes a provision that communists cannot hold union office and former communists must be out of the party for at least five years before holding office; and bars convicted felons from holding union office within five years after serving a prison term.

Layoff. Temporary and indefinite separation from work, due usually to slack season, shortage of materials, temporary decline in the market, or other factors over which the worker has no control. To be distinguished from discharge or firing, where the worker is permanently separated from his or her job for such reasons as insubordination, absenteeism, or poor job performance, and from termination, in which the job is eliminated.

Local union. The organization of members of an *international union* in a particular plant, region, or locality. *Craft union* locals, such as those of plumbers and carpenters, are usually organized by regions or localities, *industrial union* locals by plants. Often a local union is referred to as simply a "local."

Lockout. A suspension of work initiated by the employer as the result of a labor dispute. A lockout is the employer counterpart of a strike, which is initiated by the workers. Used primarily to avert a threatened strike.

M

Maintenance-of-membership clause. A provision in a *collective bargaining agreement* stating that no worker must join the union as a condition of employment, but all workers who voluntarily join must maintain their membership for the duration of the contract in order to keep their jobs. Most maintenance-of-membership provisions include an escape clause, setting aside an interval, usually ten days or two weeks, during which members may withdraw from the union without penalty. These provisions originated during World War II as a compromise between the union's desire for the *union shop* and management's desire to establish *open shop* conditions.

Maintenance-of-standards clause. A contract provision that precludes an employer from changing any condition of employment, even though it might not be specifically mentioned in the *collective bargaining agreement,* unless changes are negotiated with the *bargaining agent.* A typical maintenance-of-standards clause might read: "All conditions of employment and general working conditions shall be maintained at not less than the highest minimum standards in effect in the district at the time this agreement is signed."

Management prerogatives. Rights that management believes are exclusively its own, and hence not subject to *collective bargaining.* These rights are often expressly reserved to management in the *collective bargaining agreement* and usually include the rights to determine the products to be made, to schedule production, to determine the process of manufacture, and so forth. There is, however, no generally accepted definition of which rights should be nonbargainable. In recent years, many management groups have become concerned about the incursion of *work rules* and other union demands into this area. On the other hand, many union leaders feel they should be able to bargain on any issue that affects the wages, hours, and working conditions of their members in any way. See *scope of bargaining.*

Mandatory subject of bargaining. See *scope of bargaining.*

Master agreement. A *collective bargaining agreement* covering a number of companies and one or more unions or covering several plants of a single employer. The master agreement is often supplemented by local agreements covering conditions that vary among the individual plants or companies within the overall *bargaining unit.* See *multiemployer bargaining.*

Med arb. An *impasse* resolution procedure in which parties in a dispute agree to have a neutral act as a mediator empowered, if *mediation* efforts fail to secure an agreement, to render a final and binding decision. Some neutrals believe that if a mediator has the authority to make a final determination there will be a greater probability that the parties will reach a voluntary settlement. Short for "mediation arbitration."

Mediation. An attempt by a third party, usually a government official, to bring together the parties to an industrial dispute. The mediator has no power to force a settlement. Although usually used interchangeably with "conciliation," mediation is sometimes distinguished from conciliation: conciliation being merely an attempt to bring the two sides together, mediation suggesting that compromise solutions

are offered by the third party. See *Federal Mediation and Conciliation Service.*

Meet-and-confer negotiations. Public sector negotiations in which the ultimate decision as to the terms and conditions of employment of public employees is made by the public employer. Meet-and-confer laws generally extend to public employees the right to organize and to make presentations and recommendations before representatives of the legislative body that is the employer. The final authority rests with the legislative body, however. Such laws may preclude written agreements and *exclusivity.*

Merit system. An employment scheme in which the selection of an employee for an entry-level position, promotion, and pay raise are based purely on the employee's capabilities and experience. This practice is common in *civil service.*

Minimum wage. Lowest wage rate allowed by either federal or state law. The *Fair Labor Standards Act* (1938) was the first national minimum wage law. The authority for such legislation rests in the provision in the Constitution that authorizes the Congress to regulate interstate commerce. Starting in 1938 with a minimum of $0.25 an hour, the minimum has been gradually increased and in 1979 had reached $2.90 for most workers. During the same period more categories of workers have come under the protection of state and federal minimum wage legislation. Many states have minimum wage laws covering industries not engaged in interstate commerce. The majority of these states have minimums below the federal level. See *exempt employees.*

Monopoly. The ability of a single producer to control the output of a particular product or service and thereby exercise substantial control over price. It is sometimes argued that labor unions similarly exert monopoly power through their ability to regulate the supply of labor and, therefore, markedly affect the price of labor (wages). See *inflation.*

Moonlighting. The holding of more than one job by a worker. The term suggests that the extra job is performed by moonlight. In 1975, about four million workers, or 4.7 percent of the *labor force,* were moonlighting. Only about 0.2 percent of the labor force, however, worked at two full-time jobs.

Multiemployer bargaining. *Collective bargaining* involving more than one company in a given industry and resulting in a *master agreement.* Multiemployer bargaining takes various forms: *areawide bargaining, industrywide bargaining,* and *regional bargaining.*

N

National emergency strike. A strike not specifically forbidden by the *Taft-Hartley Act* but which may be enjoined for up to eighty days if, in the opinion of the president of the United States and the appropriate court of competent jurisdiction, it threatens the nation's health or safety.

National Labor Relations Act (Wagner Act). A federal law passed in 1935 that had the effect of generally strengthening the position of organized labor. The law, which created the *National Labor Relations Board* to administer the act, guaranteed workers the right to organize and join unions, to

bargain collectively, and to act in concert in pursuit of their objectives. It provided for secret-ballot *certification* elections and gave the union the right to be the exclusive *bargaining agent* for all workers in a *bargaining unit.* The law declared the following to be *unfair labor practices:* (1) management support of a *company union;* (2) discharge or discipline of workers for union activities; (3) discrimination against workers for making complaints to the *National Labor Relations Board;* (4) refusal to bargain with employee representatives; and (5) interference with the rights of employees to act together for mutual aid or protection.

National Labor Relations Board. A body created by the *National Labor Relations Act* of 1935. The board's primary duties are to hold elections to determine representation and to interpret and apply the law concerning *unfair labor practices.* The courts may review the board's decisions on unfair labor practices, but the board's decisions on representation elections are final.

National union. See *international union.*

Negotiation. The process by which representatives of labor and management bargain to set terms and conditions of work: for instance, wages, hours, benefits, working conditions, and the procedures for handling grievances. The fruits of these negotiations are usually reduced to writing and comprise the *collective bargaining agreement.* See *collective bargaining* and *collective negotiations.*

NLRB. See *National Labor Relations Board.*

No-man's land. In labor disputes, the unclear *jurisdiction* between the federal and state governments. The expression was popular in the 1950s, but since then the law has been clarified so that the states have jurisdiction over labor disputes in which the *National Labor Relations Board* lacks or declines jurisdiction.

No-raiding agreement. A compact among individual *international unions* in which they promise not to persuade workers to leave one union and join another when the first union has established a bargaining relationship. AFL-CIO-affiliated unions in good standing are signators to a general no-raiding pact. In addition, several unions have signed bilateral agreements covering the organization of unorganized workers. See *raiding.*

Norris-LaGuardia Act (Anti-Injunction Act). A federal law passed in 1932 that restricted the rights of federal courts to issue *injunctions* aimed at restraining activities of labor unions. The *Taft-Hartley Act* of 1947 restored some injunctive power to the courts. The Norris-LaGuardia Act also declared *yellow-dog contracts* unenforceable.

O

Occupational Safety and Health Act (OSHA) of 1970. A statute that gives the federal government the authority to develop and enforce nationwide safety and health standards for employees of businesses in the private sector. Under this law, employers must comply with OSHA standards, submit to inspection, maintain records, and report accidents and illnesses. The act also established the *Occupational Safety and Health Administration.*

Occupational Safety and Health Administration (OSHA). An agency within the *United States Department of Labor* established by the *Occupational Safety and Health Act of 1970* to adopt and enforce workplace safety and health standards.

Open shop. A shop, factory, or business establishment in which there is no union. Also sometimes applied to places of work in which there is a union, but where union membership is not a condition of employment or of continuing employment. See *union security clauses.*

OSHA. See *Occupational Safety and Health Act of 1970* and *Occupational Safety and Health Administration.*

Outlaw strike. See *wildcat strike.*

P

Paper locals. A *local union* without members. The paper local is based on a charter that is used for illegitimate purposes. Charters are sometimes secured from national unions, but more frequently paper locals are self-chartered. The holder of the charter enters into a *sweetheart contract* with an employer or uses the charter as a vehicle for extortion, threatening to organize the plant unless he or she receives a payoff from the employer. Paper locals are denounced by the AFL-CIO in its *Code of Ethical Practices.* See *racketeering.*

Parity. Equivalence established between the wage schedules of certain categories of employees. Used commonly in the public sector to describe the ratio maintained between the salaries of police and fire fighters.

Parol evidence. A precept governing the admittance of evidence to an arbitration proceeding. It states that when two parties have made a contract and have expressed it in a writing to which they have both assented as the complete and accurate integration of that contract, evidence, whether oral or otherwise, of antecedent understandings and negotiations will not be admitted for the purpose of varying or contradicting the writing.

Past practice. A mutually recognized and consistent employer response to a given set of workplace circumstances over an extended period of time. Washup time before the completion of a shift could be an example; allowing employees to leave work early on the day before a holiday could be another.

Pattern bargaining. Negotiation in which key terms reached in a settlement in one company are closely followed by other companies. U.S. Steel often sets the pattern in the steel industry, while in the auto industry the first contract reached with one of the Big Three sets the pattern for the rest of the companies.

Permanent injunction. See *injunction.*

Permanent umpire. An arbitrator who is selected by both union and management to serve for a specified period of time, most often for the duration of the contract. The contract outlines the duties of the arbitrator. See *arbitration.*

Phillips curve. A model postulating an inverse relationship between wage or price changes and the level of unemployment. So-called after its originator, British economist A. W. Phillips, the underlying theory of the Phillips curve is that excess demand for

labor causes wages to increase and that the greater the excess demand, the faster the increase. Therefore, when unemployment falls, wages and prices begin to rise, causing *inflation.* The Phillips curve appears to present an economic policy maker with two choices: (1) low unemployment and unacceptably high inflation or (2) high unemployment and moderate inflation. See *inflation* and *stagflation.*

Picketing. Publicizing the existence of a labor dispute by patrolling near the location where the dispute is taking place, usually with placards that announce the nature of the dispute and the parties to it. Also an attempt to persuade workers to join a work stoppage or to discourage customers from patronizing a business establishment or both. When large numbers of workers on strike assemble at a plant gate to discourage nonstrikers from entering or to prevent delivery of materials, this is called mass picketing. Organizational or recognition picketing is an attempt on the part of a union to force the employer to recognize the union or to persuade the unorganized workers to join the union. Informational picketing occurs when off-duty employees picket so as to inform the public of the union's position in a dispute. During informational picketing, passage through the picket line is not hindered as it is during other forms of picketing.

Piecework. See *incentive wage plan.*

Portable pension plan. A pension scheme in which an employee may transfer pension credits accrued with one employer to another. This may occur when several employers pool their pension programs. Among the most commonly found plans of this sort are multiemployer plans, in which several employers not necessarily engaged in the same industry establish a common fund which their employees may join. Since under portable pension plans an employee is not tied to a single employer for pension purposes, it is thought that worker mobility increases.

Portal-to-portal pay. Originally, payment for time spent in travel from the entrance of a mine to the actual place of work, both at the start and completion of a day's work. Subsequently adapted to other industries where travel time is a factor.

Poverty index. A measurement devised by the Social Security Administration that establishes a minimum income required to provide an adequate diet for a family. Ranges in the index are determined by the location of the family, i.e., urban or rural; number and age of the family members; and the sex of the head of the household.

Preferential hiring. A form of union security in which the employer agrees that in hiring new workers preference will be given to union members.

Premium pay. An amount greater than the regular rate of pay paid because of inconvenience or unpleasantness. Employees often receive premium pay for working overtime in late shifts, on holidays, or in hazardous working conditions.

Primary boycott. See *boycott.*

Production worker. A worker connected directly with manufacturing or operational processes in industry, as contrasted with a supervisory or clerical worker: for instance, an assembly line worker in the automobile industry. A production worker is also frequently called a *blue-collar worker.*

Productivity. A measurement of the efficiency of production; a ratio of output to input.

Productivity bargaining. A *collective bargaining* arrangement that provides for wage increases based upon the increased *productivity* of the operation.

In many instances wage increases are the quid pro quo for the union's agreement to abandon certain work practices that have tended to restrict productivity.

Professional employee. An employee whose work is predominantly intellectual, who has undergone advanced specialized training, and whose work requires the exercise of independent judgment. Under the *National Labor Relations Act* and most state labor relations statutes, professional employees may determine for themselves whether they wish to bargain in a separate professional *bargaining unit* or be in the same unit with nonprofessional employees.

Profit sharing. A form of compensation to employees based upon the profits of the company and paid in addition to wages. Usually, profit-sharing plans take one of two forms: (1) a cash plan, giving employees a share of profits on a cash basis quarterly, semiannually, or annually; or (2) a deferred plan, in which a trust fund is established and payments are made to workers at the time of their retirement, death, or disability.

Public employment relations board or commission (PERB or PERC). An administrative agency empowered to carry out the provisions of public sector labor relations law. In most instances, PERBs or PERCs resolve representation disputes, adjudicate *unfair labor practice* charges, and provide assistance to the parties in the resolution of interest disputes.

Q R

Quickie strike. A spontaneously organized strike, triggered by an incident on the job and usually of short duration and without union authorization. Sometimes used interchangeably with *wildcat strike.*

Raiding. A union's attempt to enroll members of another union, thereby encroaching on the other union's *jurisdiction.* Two reasons for raiding are (1) a union's belief that another union has workers that rightfully belong in its jurisdiction and (2) a union's desire to increase its size to protect its bargaining position. See *no-raiding agreement.*

Railway Labor Act. A federal law passed in 1926 establishing administrative agencies and procedures for the prompt and orderly settlement of labor disputes between interstate rail and air carriers and their employees. The act also guarantees *collective bargaining* rights and self-organization to carrier employees.

Real wages. The actual purchasing power of wages, as compared to a fixed time in the past. Often computed by dividing money wages by the *cost-of-living index:* for example, if money wages increase from $4.00 to $5.00 an hour but the cost-of-living index also increases from 1.0 to 1.25, real wages have remained constant. Changes in real wages indicate changes in living standards.

Recognition. A formal acknowledgment by an employer that the majority of his or her employees in a given *bargaining unit* want a specific union to represent them in *collective bargaining.*

Regional bargaining. A type of *multiemployer bargaining* whereby bargaining occurs between a union and

representatives of several employers in an industry in a given region, for instance, the southwestern part of the United States. Over-the-road trucking, lumber, and maritime industries are usually involved in regional bargaining.

Reopening clause. A provision in a *collective bargaining agreement* stating circumstances under which wages and other issues can be reconsidered while other terms of the agreement remain in force. Often called a "reopener."

Representation election. A referendum held among employees in a *bargaining unit* to determine what *bargaining agent,* if any, will represent them for *collective bargaining* purposes.

Retroactive pay. 1. A delayed wage payment for work done previously at a lower rate. 2. Income due to workers when a new contract provides for a wage increase for work completed prior to the time the contract goes into effect, often dating back to the expiration of the previous contract. A contract signed in June, for instance, may call for a ten-cent-an-hour increase beginning the first day of the previous January, the beginning of the new contract. To be distinguished from *back pay.*

Rights arbitration. See *grievance arbitration.*

Rights dispute. A controversy over the interpretation or application of the terms of a *collective bargaining agreement.* Such a dispute is usually dealt with through the *grievance procedures,* sometimes ending up in a *grievance arbitration.*

Right-to-work laws. State laws prohibiting *union shop, maintenance-of-membership clauses, preferential hiring,* or any other contract provisions calling for compulsory union membership. State legislatures were authorized to pass such laws by the *Taft-Hartley Act* of 1947. Since that time, about twenty states, mostly in the South and Midwest, have passed right-to-work laws. See *free rider.*

Runaway shop. A unionized business concern that moves to another state or area to escape the union. For many enterprises, however, a decision to move may be prompted by factors other than a desire to employ nonunion labor, such as tax inducements from other communities and the desire to be nearer sources of raw materials or markets. Used by trade unionists.

S

Scab. A worker who refuses to go out on strike with his coworkers. Also a worker who is hired to replace a striking worker.

Scope of bargaining. The range of issues deemed appropriate to be negotiated for a *collective bargaining agreement.* Most statutes oblige the parties to negotiate over terms and conditions of employment, which means, at minimum, wages, hours, and fringe benefits. These are the mandatory subjects of bargaining, and if *impasse* is reached over one of them, a lawful *economic strike* may ensue. Failure to bargain over a mandatory subject of bargaining is an *unfair labor practice* under the *National Labor Relations Act.* Permissive subjects of bargaining (e.g., pension improvements for retirees) may be subjects of *collective bargaining* only if both sides agree to bargain over them, but either side may refuse to negotiate over a permissive subject, and a strike over a permissive subject is not protected by the National Labor Relations Act. If there is a dispute as to

whether a given demand falls within the appropriate subject matter, that dispute is resolved by the administrative agency or, after it, by the courts.

Seasonal unemployment. Joblessness due to the seasonal requirements for labor. Agricultural workers, lumber workers, and some construction workers, for example, are unemployed for a period each year because of weather conditions. See *demand-deficiency unemployment, frictional unemployment, structural unemployment,* and *technological unemployment.*

Secondary boycott. See *boycott.*

Seniority. An employee's standing as determined by length of continuous employment. There are two kinds of seniority: competitive seniority, which is used to determine which employees should secure advantages at the workplace (such as promotion, shift assignment, or layoff survival), and benefit seniority, which is used to measure employee entitlement to benefits.

Service worker. A worker whose job is to provide personal assistance, protective service, or current maintenance for buildings and residences. Some examples of service workers are parking lot attendants, beauticians, hospital orderlies, bartenders, and custodians.

Severance pay. Compensation to a worker permanently separated from a company due to a permanent reduction of the work force, introduction of labor-saving machinery, plant shutdown, or any other cause for which the worker is not responsible.

Sheltered workshop. A work-oriented rehabilitation facility for handicapped persons with a controlled working environment that emphasizes individual vocational goals. Sheltered workshops assist handicapped persons in progressing toward normal living and a productive vocational status.

Sherman Antitrust Act. A federal law passed in 1890 that prohibits trusts and conspiracies that restrain interstate commerce and forbids parties to monopolize trade or commerce among the states. Many courts interpreted this law as forbidding unionization. The *Clayton Act* of 1914 later exempted labor organizations from the jurisdiction of the Sherman Antitrust Act.

Shop committee. A body of employees elected by fellow workers or appointed by union officials to represent the *bargaining unit* in considering *grievances* and related matters.

Shop steward. The union representative of a group of fellow workers who carries out union duties in the plant or shop, for instance, handling *grievances,* collecting dues, recruiting new members. Elected by union members in the plant or appointed by higher union officials, the shop steward usually continues to work at his or her regular job and handles union duties only on a part-time basis. Often used interchangeably with "union steward." To be distinguished from *business agent.*

Slowdown. A deliberate reduction of output by workers in an attempt to win concessions from an employer. Not a work stoppage or strike. See *work-to-rule.*

Speedup. An increase in production without a compensating increase in wages to workers: for example, an assembly line is speeded up, thus increasing production, but there is no increase in wages.

Stagflation. The simultaneous occurrence of high rates of price increase and high rates of unemployment. See *inflation* and *Phillips curve.*

Steelworkers Trilogy. A trio of 1960 Supreme Court decisions involving the United Steelworkers of America: *United Steelworkers of America* v. *American Manufacturing Co.,* 363 U.S. 564; *United Steelworkers of America* v. *Warrior & Gulf Navigation Company,* 363 U.S. 574; and *United Steelworkers of America* v. *Enterprise Wheel and Car Corporation,* 363 U.S. 593. The Supreme Court held that *arbitration* of *grievances* is the quid pro quo for a no-strike agreement and is the preferred means of handling industrial disputes, and it directed that a lower court should set aside an arbitration *award* only if the arbitrator exceeds his or her *jurisdiction.* The courts are not permitted to vacate an award on the merits of the decision. See *Gardner-Denver.*

Steward. See *shop steward.*

Stretch-out. A situation in which workers are required to assume additional work duties, such as tending more machines, without additional compensation.

Strike. See *economic strike, general strike, quickie strike, sympathy strike,* and *wildcat strike.*

Strike benefits. Union payments, usually a small proportion of regular income, to workers during a strike. Many unions do not supply monetary aid but distribute groceries and other types of aid to needy striking families.

Strikebreaker. An outsider brought in by an employer to fill a job temporarily vacated by a striker. Often an employer attempts to break a strike by hiring outsiders so as to lower the strikers' morale and to maintain production. See *scab.*

Strike fund. Money held by an *international union* or *local union* for allocation during a strike to cover costs of strike benefits, legal fees, publicity, and the like. Some international unions assess each member a small amount each month to build the fund. Other unions use the international's general fund. The amount of the fund often determines the staying power of the workers and, consequently, the success or failure of the strike. Strike funds are often designated in union financial statements as "emergency," "reserve," or "special" funds.

Strike notice. A notice filed with the *Federal Mediation and Conciliation Service* or appropriate state agency that the union has rejected the company's latest offer and a strike is impending. The *National Labor Relations Act* requires that, if a *collective bargaining agreement* exists between the union and the employer, the union may not call a strike until sixty days after it has notified the employer of its desire to modify or terminate the existing agreement. The union must also notify the Federal Mediation and Conciliation Service within thirty days of notifying the employer. If the union strikes without observing these rules, the strikers lose the rights granted to them by the act.

Structural unemployment. Joblessness resulting from major changes or shifts in a nation's economy or from sociological factors. Structural unemployment may occur because of reduced demand for certain skills resulting from technological change or changes in the patterns of consumer spending; because of discrimination against workers on the basis of age, sex, race, or nationality; or because workers are unable or refuse to relocate to different geographic regions where there is demand for their skills. See also *demand-deficiency unemployment, frictional unemployment,* and *seasonal unemployment.*

Sunshine bargaining. *Collective bargaining* in which the public-at-large is permitted to attend the bargaining sessions.

Supplemental unemployment benefit (SUB) plans. Private plans providing compensation for wage loss to laid-off workers, usually in addition to public *unemployment insurance* payments. In 1975, 235 SUB plans provided for in *collective bargaining agreements* covered about two million workers, mostly in the automobile, glass, and steel industries. SUB plans originated in 1955 as a compromise when the United Auto Workers demanded a *guaranteed annual wage plan* from Ford Motor Company. These plans are financed by employers.

Sweatshop. A workplace where work conditions are substantially below accepted standards. Sweatshops are usually characterized by low wages, long hours, and unsanitary work environment. Historically, sweatshops were often found in the garment industry.

Sweetheart contract. A *collective bargaining agreement,* usually between a racketeer head of a *paper local* (but sometimes a legitimate union) and a corrupt employer. The employer's advantages in such an arrangement are that legitimate unions then have difficulty in organizing the shop, the employer pays less in wages and in other benefits, and he or she has to contend with few restrictions. The union racketeer benefits from the payoff received from the grateful employer or the dues collected from employees or both. Sweetheart contracts were denounced by the AFL-CIO in its *Code of Ethical Practices.*

Sympathy strike. A strike by workers not directly involved in a labor dispute; an attempt to demonstrate labor solidarity and bring pressure on an employer in a labor dispute. Sympathy strikes are rare in the United States, but see *boycott.*

T

Taft-Hartley Act (Labor-Management Relations Act). A federal statute passed in 1947 amending the *National Labor Relations Act* of 1935. Among the important provisions of the law are (1) the proscription of the *closed shop;* (2) government authorization to seek an *injunction* preventing any work stoppage for eighty days in a strike that imperils the nation's health and welfare; (3) the prohibition of the use of union funds in connection with national elections; (4) the requirement that union officers swear that they are not communists before their union can be certified (this provision was modified by the *Landrum-Griffin Act*); (5) the requirement for unions to file financial statements with the *United States Department of Labor* and their memberships; (6) and the authorization of the states to pass *right-to-work laws.* The law also spelled out certain *unfair labor practices* on the part of unions.

Take-home pay. The amount of pay the worker actually receives directly in his or her check: gross earnings minus federal and state income taxes, social security taxes, health insurance premiums, and other deductions.

Technological unemployment. Joblessness that results from the introduction of labor-saving devices. See *demand-deficiency unemployment, frictional unemployment, seasonal unemployment,* and *structural unemployment.*

Temporary restraining order. See *injunction.*

Time-and-a-half pay. Pay rate consisting of one and one-half times the employee's regular pay. The *Fair Labor Standards Act* of 1938 made time-and-a-half pay mandatory for all work performed beyond forty hours a week by workers engaged in interstate commerce. Enacted during the depression, the law envisaged that the extra pay would serve as a penalty to employers and would force them to spread the work, thereby providing more jobs.

Title VII, Civil Rights Act of 1964 (as amended in 1972 and 1978). A federal law prohibiting employers, unions, employment agencies, and joint labor-management committees controlling *apprenticeship training* or other training programs from discriminating against any employee or applicant for employment on the basis of race, color, sex, religion, national origin, or pregnancy. Discrimination is illegal with regard to any employment practice, including compensation, hiring, firing, promotion, and admission to training programs. Often referred to as simply "Title VII." The Equal Employment Opportunity Act of 1972 amended Title VII by expanding its coverage and strengthening its enforcement. The *Equal Employment Opportunity Commission* (EEOC) and the courts are responsible for enforcing Title VII regulations. See *affirmative action* and *affirmative action plan.*

Trial examiner. See *administrative law judge.*

Trilogy. See *Steelworkers Trilogy.*

Trusteeship. Assumption of control over a *local union* by an *international union,* which suspends the normal governmental process of a local union and takes over management of the local's assets and the administration of its internal affairs. The constitutions of many international unions authorize international officers to establish trusteeships over local unions in order to prevent corruption, mismanagement, and other abuses. The *Landrum-Griffin Act* of 1959 established controls over the establishment and administration of trusteeships.

Turnover. The rate at which workers move into and out of employment, usually expressed as the number of accessions and separations per one hundred employees during a given period. Monthly turnover rates, by industry and selected states and regions, are computed by the *Bureau of Labor Statistics.*

U

Underemployed. Having a job that does not fully use or develop one's abilities, or being employed at a job beneath one's skill level.

Unemployment. See *demand-deficiency unemployment, frictional unemployment, hidden unemployment, seasonal unemployment, structural unemployment,* and *technological unemployment.*

Unemployment insurance. A joint federal-state program created by the Social Security Act of 1935 that provides benefit payments to persons experiencing involuntary unemployment. These benefits are paid out of funds derived from an employer-financed payroll tax. Eligibility and the amount and duration of benefits vary from state to state.

Unfair labor practice. Conduct on the part of either union or management that violates provisions of national or state labor relations acts. Failing to bargain in good faith and interference with the administration of a labor organization are examples of unfair labor practices on the part of management. Failing to bargain in good faith and engaging in a secondary boycott are examples of unfair labor practices on the part of unions. See *National Labor Relations Act* and *Taft-Hartley Act.*

Uniformed services. Public employees, usually municipal employees, such as police, fire fighters, and sanitation workers.

Union label. An imprint attached to a manufacture (e.g., clothing, printing) indicating that work on the article was done by union workers. Unions often encourage their members and the public-at-large to buy only those products bearing this label so as to enhance the economic position of those unions using the label.

Union organizer. Member of a staff of a *local union* or *international union* whose main function is to recruit new members.

Union security clause. A provision in a *collective bargaining agreement* designed to protect the institutional life of the union. See *agency shop, closed shop, maintenance-of-membership clause, preferential hiring,* and *union shop.*

Union shop. A *bargaining unit* covered by a *union security clause* stipulating that the employer may hire anyone he or she wants but all workers must join the union within a specified period of time (by law, not less than thirty days) after being hired and retain membership as a condition of continuing employment. To be distinguished from *closed shop.*

Union steward. See *shop steward.*

Unit determination. The process of establishing a unit of appropriate job titles for the purpose of *collective bargaining.* The *National Labor Relations Board* and state labor relations agencies frequently use the following criteria when determining a *bargaining unit:* the desire of the employees, similarity of skills or occupations, collective bargaining history, and the organizational structure of the employer organization. Membership in a bargaining unit determines whether an employee may vote in a *representation election;* members of a bargaining unit are covered by the terms of subsequently negotiated collective bargaining elections. See *certification.*

United States Department of Labor (U.S. DOL). A unit of the executive branch of the federal government that administers some of the laws affecting labor relations passed by Congress and regulations concerning pensions, *OSHA* of 1970, and employment standards. The department also oversees government training programs and gathers and publishes information dealing with labor and industrial relations. It was organized as a separate department in 1913. Before that time it was a division within the Department of Commerce and Labor.

V

Vertical union organization. See *industrial union.*

Vesting. The acquisition of pension rights that permit employees to terminate employment before attaining retirement age without forfeiting accrued pension benefits financed through employer contributions.

Vocational education. A program of courses and training to provide skills and knowledge required for employment in a particular occupation, such as cosmetology and auto repair.

Vocational rehabilitation. The process of returning individuals who are physically, mentally, or socially disabled to the mainstream of economic and social life. Often a vocational rehabilitation program retrains persons who are disabled and prepares them for new jobs.

W

Wagner Act. See *National Labor Relations Act.*

Walkout. A strike, *quickie strike,* or *wildcat strike.*

Welfare fund. A fund created through *collective bargaining* to provide welfare benefits for the employees of a number of employers. Under the terms of the *Taft-Hartley Act,* such funds are administered by trustees representing both employers and unions. Local building trades unions and the International Ladies' Garment Workers' Union are examples of unions with substantial welfare funds. Typically, welfare funds provide health and death benefits similar to those provided by *welfare plans.* A growing number provide pension benefits, sometimes from separate pension funds. In other instances (as in the United Mine Workers Welfare and Retirement Fund), benefits are paid from the same trust fund.

Welfare plans. Benefit schemes for the employees of a single employer, providing for *disability insurance,* hospital, medical, and surgical protection, and life insurance. Welfare plans originally were financed almost entirely by joint employer-employee contributions. In recent years, the trend has been toward employer-financed plans. See *welfare fund.*

Whipsaw bargaining. A union strategy of bargaining with a succession of individual employers, using each negotiated gain as leverage to secure even greater concessions from the next employer.

Whipsaw strike. A strike against only one employer of a group, typically the weakest, when the union could have struck them all. The union's purpose is to put great pressure on the struck employer, whose competitors remain open for business, in the hope that that employer will sign a contract favorable to the union and set a pattern for other employers, who would then be vulnerable to similar tactics unless they agreed to the same terms.

White-collar worker. A nonmanual worker; for instance, a sales,

supervisory, professional, or technical worker. One who is not a *blue-collar worker.* The percentage of white-collar workers in the American *labor force* has grown from 17.6 percent in 1960 to 51.6 percent in 1979. See *blue-collar worker* and *service worker.*

Wildcat strike. A work stoppage violating the contract and not authorized by the union. Sometimes used interchangeably with *quickie strike.*

Work adjustment. A process using industrial or business activities in a therapeutic manner to facilitate an individual's acquisition of socially appropriate skills, attitudes, and behavior. Usually designed for the disabled or handicapped individual.

Workers' compensation programs. State-mandated insurance programs requiring the payment of benefits to workers suffering from occupational diseases or injuries sustained on the job. All fifty states have some type of employer-financed workers' compensation law. Federal government programs provide similar protection for federal employees, harbor workers, longshoremen, and employees of private concerns in the District of Columbia. There is considerable variation among the states in the amount of compensation and the duration of payments.

Work rules. Regulations stipulating on-the-job conditions of work, usually incorporated in the *collective bargaining agreement.* Examples include: (1) limiting production work of supervisory personnel; (2) limiting the assignment of work outside an employee's classification; (3) requiring a minimum number of workers on a job; (4) limiting the use of labor-saving methods and equipment. Work rules are also imposed by the employer (see *management prerogatives*), and in some cases, unions may seek to impose their own work rules without incorporating them in the agreement. The purpose of work rules from the union point of view is to maximize employment opportunities, ensure decent working conditions and health standards, and protect workers from arbitrary employer action. Employers complain that work rules are frequently responsible for waste and inefficiency and that they are merely a form of *featherbedding* and encroach on management prerogatives. The issue of work rules has assumed increasing importance in recent years in the negotiation of collective bargaining agreements.

Work-to-rule. A type of job action whereby employees perform only the minimum tasks required of them by official rules or regulations. Employees sometimes use the work-to-rule technique in an attempt to win concessions in those circumstances where a strike is illegal. Air traffic controllers, for example, have used this strategy successfully.

YZ

Yellow-dog contract. An agreement, sometimes used in the past by employers to combat unions, in which a worker stated he or she was not then a member of a union and promised not to join a union so long as he or she worked for the particular company. The *Norris-LaGuardia Act* of 1932 nullified the yellow-dog contract by declaring it to be unenforceable in the courts.

Zipper clause. A standard provision in a negotiated contract that attempts to preclude any negotiations of employment conditions during the life of the contract. The clause asserts that the agreement is the sole and complete instrument between the parties.

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Company must accept it and carry it out. If the Union wins the case, the arbitrator may well make the Company pay the worker whatever he lost as a result of the situation that led to the grievance.

THE GRIEVANCE PROCEDURE is your guarantee that the Company cannot take away from you anything that it has agreed to in the CONTRACT.

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Structure of the AFL-CIO

Membership

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is made up of 101 national and international unions which in turn have more than 48,000 local unions.

The combined membership of all the unions affiliated with the AFL-CIO, as of Jan. 1, 1981, was 13,600,000 workers.

Affiliated Organizations

In addition to the national and international unions, the AFL-CIO has state and city central bodies and trade and industrial departments.

There are *state central bodies* in each of the 50 states and in Puerto Rico. The state bodies, composed of and supported by the different local unions in the particular state, function to advance the state-wide interests of labor and represent labor on state legislative matters.

Similarly, in each of 744 communities, the local unions of different national and international unions have formed *local central bodies*, through which they deal with civic and community problems and other local matters of mutual concern.

The *Trade and Industrial Departments* are separate organizations within the AFL-CIO which seek to promote the interests of specific groups of workers which are in different unions but have certain strong common interests.

Many of the national and international unions are affiliated with one or more of the eight such departments: Building and Construction Trades, Food & Beverage Trades, Industrial Union, Maritime Trades, Metal Trades, Professional Employees and Public Employee. The eighth, the Union Label and Service Trades Department, seeks to promote consumer interest in union-made products and union services by urging the purchase of those products which bear the union label.

Policy Determination and Application

The basic policies of the AFL-CIO are set by its *convention*, which is its highest governing body. The convention meets every two years, although a special convention may be called at any time to consider a particular problem.

Each national and international union is entitled to send delegates to the convention, the number of delegates determined by the size of the union. Other affiliated organizations are entitled to be represented by one delegate each.

The governing body between conventions is the *Executive Council*, which is made up of the federation's President, Secretary-Treasurer, and 33 Vice-Presidents, all of whom are elected by majority vote of the convention.

The Executive Council carries out policies laid down by vote of the convention and deals with whatever issues and needs may arise between conventions. It meets at least three times a year.

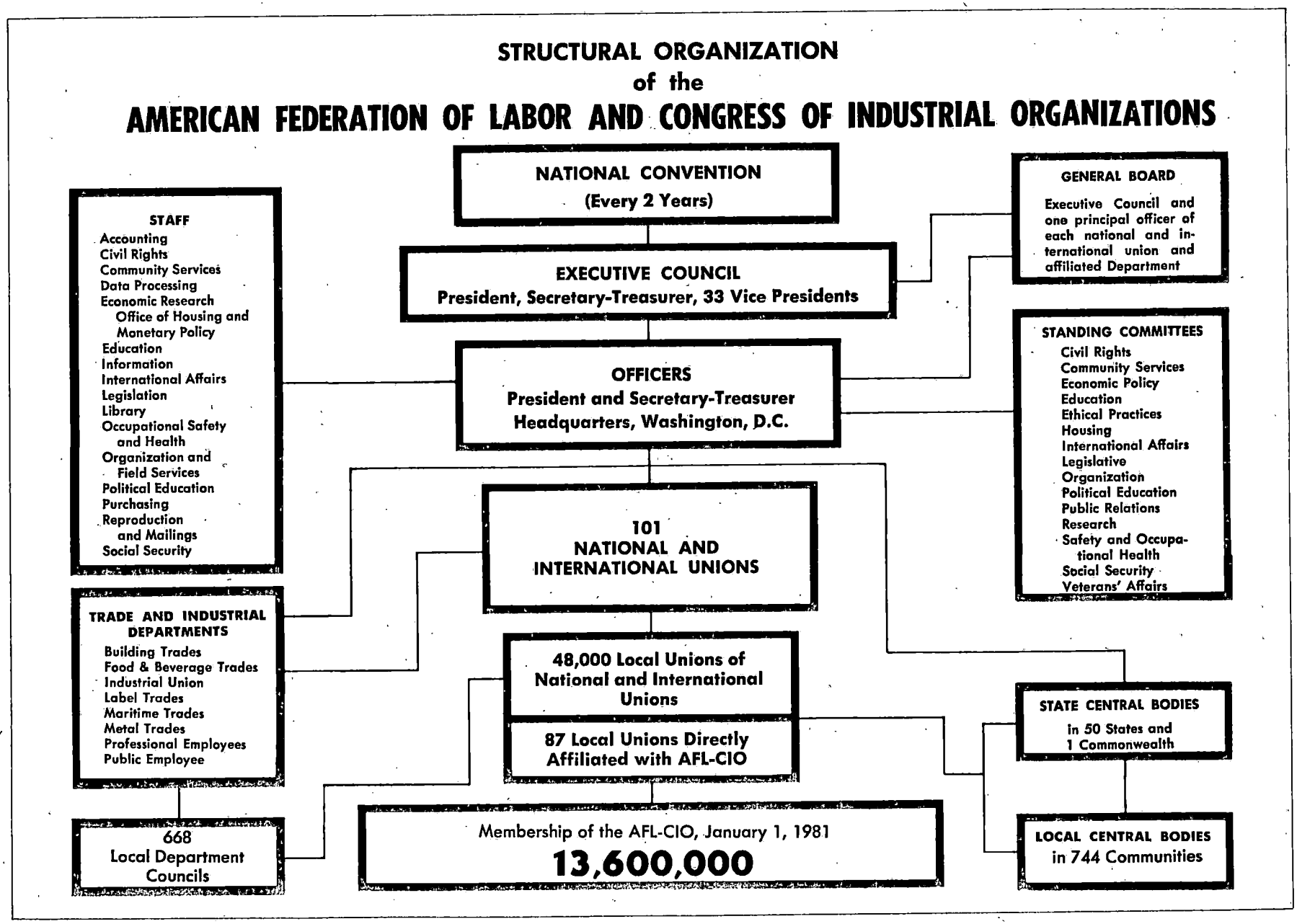
The *executive officers* of the AFL-CIO are its *President*, Lane Kirkland, and *Secretary-Treasurer*, Thomas R. Donahue. They are responsible for supervising the affairs of the federation.

The President appoints a number of *standing committees* on particular subjects and directs the committees and staff departments in providing services to labor through organizing, legislative, international, public relations, educational, economic research and other activities.

A *General Board*, made up of the Executive Council members and a principal officer of each national and international union and each trade and industrial department, meets at the call of the President or the Executive Council to consider policy questions referred to it by the officers or the Executive Council.

American Federation of Labor and
Congress of Industrial Organizations
Lane Kirkland, *President*
Thomas R. Donahue, *Secretary-Treasurer*
Washington, D. C. 20006

FIGURE 1.

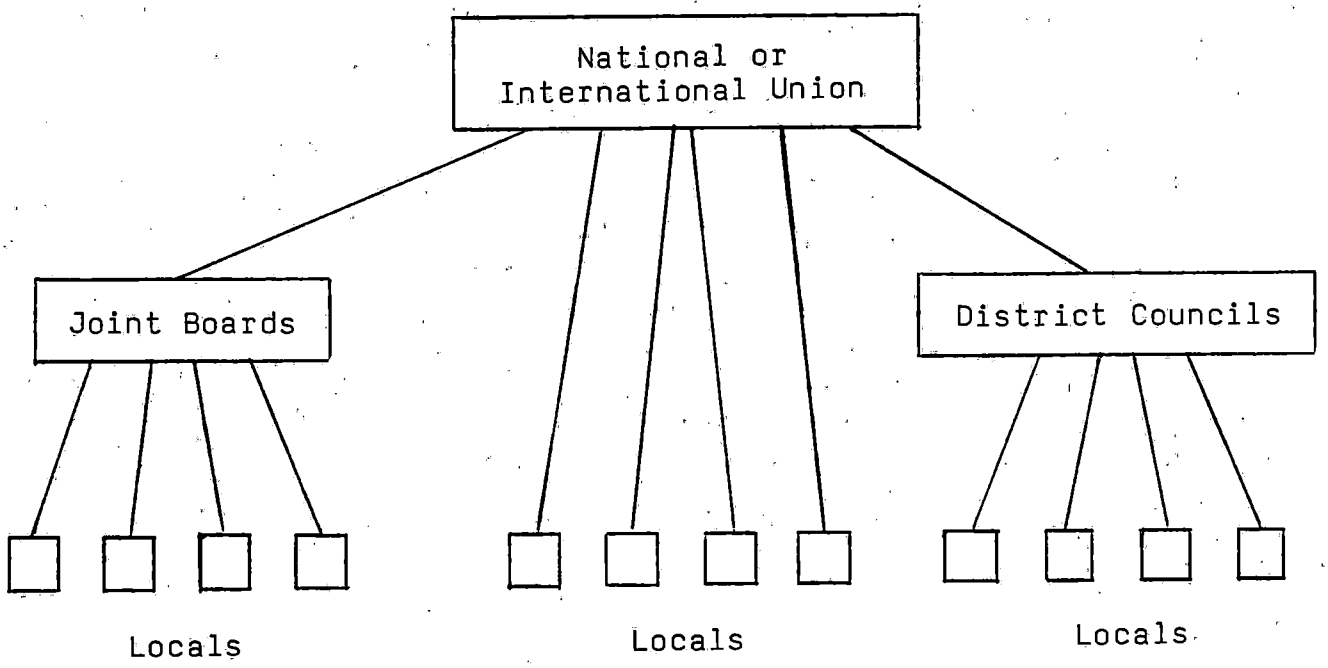

STRUCTURAL ORGANIZATION
of the
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
NATIONAL CONVENTION
(Every 2 Years)
EXECUTIVE COUNCIL
President, Secretary-Treasurer, 33 Vice Presidents
OFFICERS
President and Secretary-Treasurer
Headquarters, Washington, D.C.
GENERAL BOARD
Executive Council and one principal officer of each national and international union and affiliated Department
STAFF
Accounting
Civil Rights
Community Services
Data Processing
Economic Research
Office of Housing and Monetary Policy
Education
Information
International Affairs
Legislation
Library
Occupational Safety and Health
Organization and Field Services
Political Education
Purchasing
Reproduction and Mailings
Social Security
STANDING COMMITTEES
Civil Rights
Community Services
Economic Policy
Education
Ethical Practices
Housing
International Affairs
Legislative
Organization
Political Education
Public Relations
Research
Safety and Occupational Health
Social Security
Veterans' Affairs
101
NATIONAL AND
INTERNATIONAL UNIONS
TRADE AND INDUSTRIAL DEPARTMENTS
Building Trades
Food & Beverage Trades
Industrial Union
Label Trades
Maritime Trades
Metal Trades
Professional Employees
Public Employee
48,000 Local Unions of National and International Unions
87 Local Unions Directly Affiliated with AFL-CIO
STATE CENTRAL BODIES
in 50 States and 1 Commonwealth
668
Local Department Councils
Membership of the AFL-CIO, January 1, 1981
13,600,000
LOCAL CENTRAL BODIES
in 744 Communities

Of special interest to readers of this Manual is the fact that many unions within the AFL-CIO are developing Social Service Departments which are staffed by trained social workers. (For an illustration of the structure of the AFL-CIO, see Figure 1.)

Union Structure

The international or national is made up of Locals, the basic unit in the labor organization. Locals can be organized along geographical lines, by craft or by industry. The size of a local can be as small as eight members or can include over 20,000 members. There are national unions which are composed of just one local and others in which there are over 250 locals. As shown in Figure 2, within the larger national unions, locals often are organized into District Councils (locals in a given territory) or into Joint Boards (locals of the same craft).

Figure 2: UNION STRUCTURE



The Local

The local is responsible for enforcing contracts, collecting dues and providing direct assistance to its members. Services and benefits to members can include:

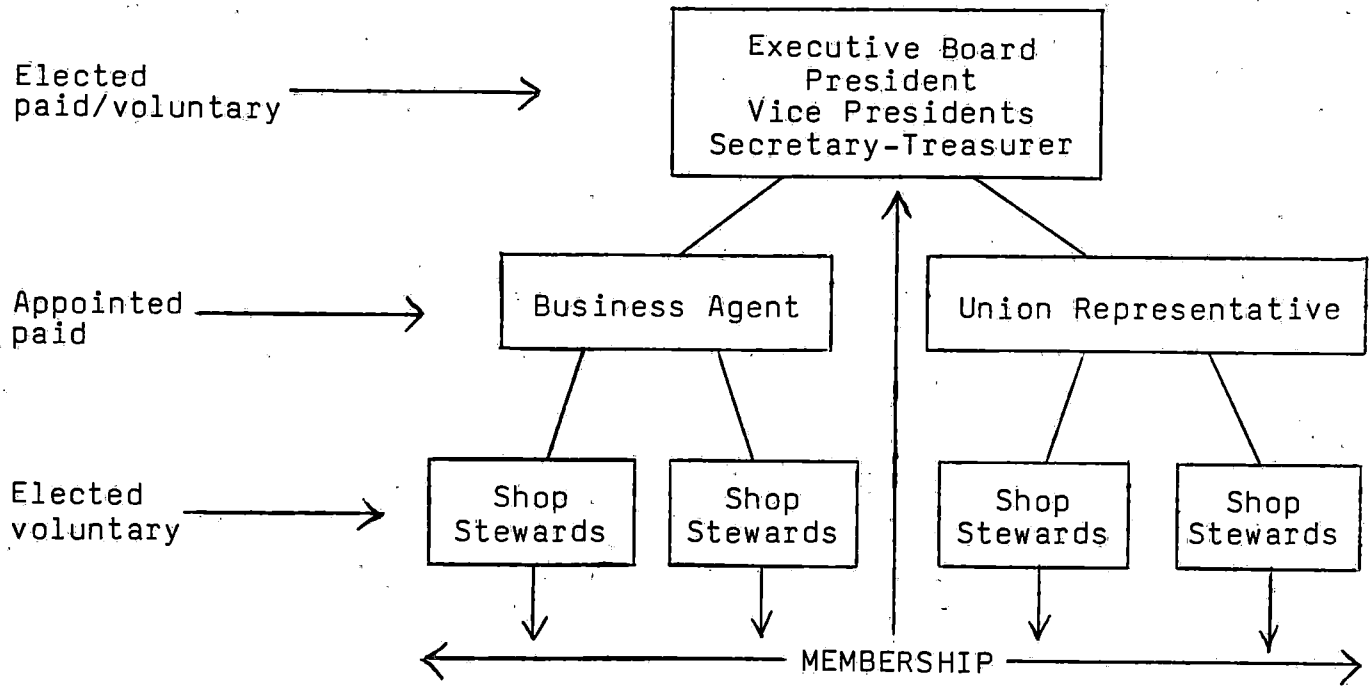
- health and welfare
- education
- legal
- social services (housing, child care, counseling)
- credit unions

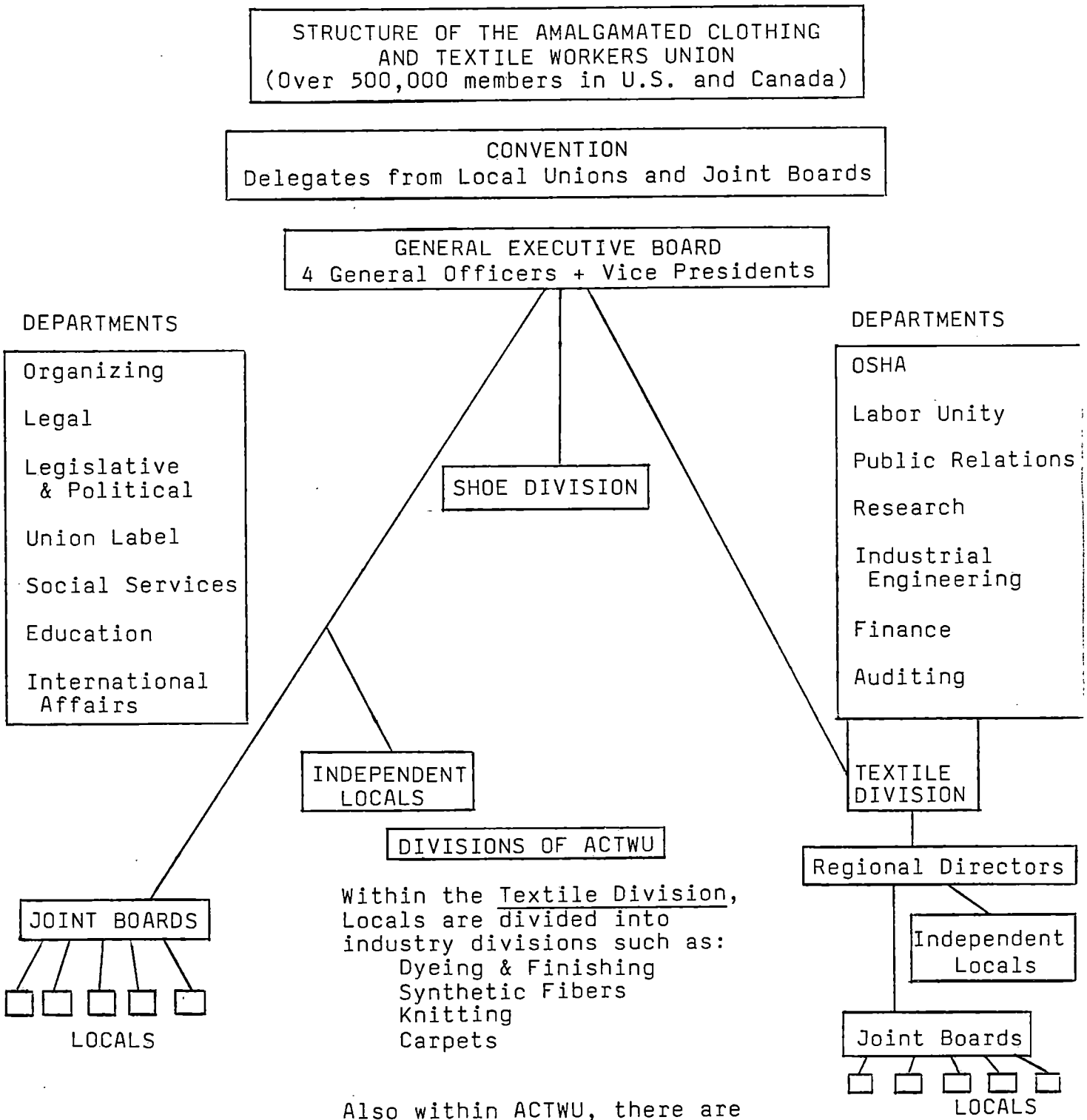
The members of a local can consist of those within a specified worksite or those in a particular occupational group. Figure 3 shows the hierarchy of positions within a union. At the first line, members are represented by shop stewards--line workers who are usually elected by the membership and serve in an unpaid capacity. Using their own or the company's time, they take responsibility for first-line grievances, job maintenance, enforcing the contract and assisting with the day-to-day problems of fellow workers. The importance of these individuals to the employment of the handicapped at the worksite comes from the fact that it is the shop steward and/or union counselor who can mobilize peer groups to help a worker in need of support, or intervene for a worker who requires some special assistance from his work group. The shop steward, therefore, becomes a significant figure in a follow-along procedure when a disabled or mentally restored person is introduced to the worksite.

Next in hierarchical order are the union officers who are called business agents, chapter chairpersons or union representatives. These officers work for and are usually paid by the union. Their responsibilities include union organizing, contract enforcement and grievance proceedings. It is probably this paid union official who can be most helpful when one is attempting to introduce new employees into the worksite, or reintroduce a worker who has undergone treatment. This person can negotiate return to light work, accommodation on the career ladder, change in shift time, or can obtain other supports which require formal rather than informal countenance by the work setting.

At the top of the structure are the officrs of the union who are elected by the members and usually hold salaried positions. The President or Manager, Vice Presidents and Secretary-Treasurer have as their main responsibilities: determining policy, negotiating contracts, linkage with other unions and overseeing the general welfare of the union. These officers meet with all other union personnel and are the ones who are able to provide an overview of where jobs are developing, where the industry may be heading, and what new technology is on the horizon. Contact with these individuals would usually be on the level of discussing union policy.

Figure 3. THE LOCAL STAFF PATTERN




STRUCTURE OF THE AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION (Over 500,000 members in U.S. and Canada)
CONVENTION Delegates from Local Unions and Joint Boards
GENERAL EXECUTIVE BOARD 4 General Officers + Vice Presidents
DEPARTMENTS
Organizing
Legal
Legislative & Political
Union Label
Social Services
Education
International Affairs
DEPARTMENTS
OSHA
Labor Unity
Public Relations
Research
Industrial Engineering
Finance
Auditing
SHOE DIVISION
INDEPENDENT LOCALS
TEXTILE DIVISION
DIVISIONS OF ACTWU
JOINT BOARDS
LOCALS
Within the Textile Division, Locals are divided into industry divisions such as:
Dyeing & Finishing
Synthetic Fibers
Knitting
Carpets
Regional Directors
Independent Locals
Joint Boards
LOCALS
Also within ACTWU, there are other industry 'divisions' such as:
Clothing
Cotton Garment
Xerox
Retail, etc.

SUGGESTED TRAINING ACTIVITIES
FOR SUBJECT MATTER DELIVERY

REMINDER: Caution should be exercised with the use of the materials in this section, especially the article on union contracts which has been provided for informational purposes only.

Invite a union representative to talk about the structure of a local union and the services offered by that union.

or

Prepare a lecture, using the resources in this section as well as any other additional resources relevant to the topic. (See Appendix A and C.)

Key Point--It is important to understand how a union operates in order to determine the kind of relationship that will benefit both the union and vocational rehabilitation.



HOW THE UNION GRIEVANCE PROCEDURE WORKS

Do you have a shop complaint or a grievance about your job or your wages, a question about a shop problem?

The contract, signed between the Amalgamated Clothing and Textile Workers Union and the firm for which you work, provides for a regular "grievance procedure".

A shop steward—in some shops called shop chairman or chairlady is chosen to represent you. The shop steward will try to settle a justified grievance.

If the steward has difficulty settling a tough complaint with management, he or she takes the problem to the Business Agent or the Union Representative, who works directly for the Union and its members.

The Union Representative goes to the plant manager, and tries to settle the grievance.

If the company and the Union still cannot agree, a higher company representative and your Joint Board Manager or other union official will try to settle it.

If all these steps fail, then there may be **Arbitration.** In arbitration the company and the Union present their sides of the case to an **impartial person,** or umpire, who makes a decision which is final and binding on both sides.

IF YOU HAVE A SHOP COMPLAINT OR A GRIEVANCE, BRING IT TO YOUR SHOP STEWARD.

Don't quit your job.

Don't gripe to your fellow workers and neighbors. They can't help, but your shop steward can!

3-79—100M

490

YOUR DUES SUPPORT THE UNION

Through their union dues, which go to carry on the Local, Joint Board and General Office activities, members support the union.

Expenditures of your local union are reported at the Local meetings. A yearly financial report of the operations of the General Office is published in your union newspaper, ACTWU Labor Unity, showing how the funds were spent.

100% ORGANIZATION— THE UNION'S GOAL

ACTWU's Number One goal is to organize the industries under our jurisdiction, extending unionism to thousands of workers not yet organized so that they will share the benefits of union membership. This strengthens the union's ability to improve conditions for those already in the union and brings economic justice to thousands of exploited workers.

LABOR AND THE COMMUNITY

U.S. and Canadian workers and their unions have played a major role in building and ensuring a democratic society.

Workers fought for the Bill of Rights, free public schools, shorter hours, voting rights, and the right to have unions. Today, unions continue to take part in community activities, charity drives, and the political and legislative action that are the heart of our democratic system.



YOU ARE THE UNION

ACTWU is your union. You take part in all activities through your Local.

It is a democratic union which depends on you to keep it strong.

How to build your union.

* Attend and take part in union meetings.
* Get to know your officers and shop steward.
* Serve on local union committees.
* Take part in union activities.
* Use your union grievances procedure.
* Vote in your union elections.
* Read your union newspaper, ACTWU Labor Unity.



Education Department
Amalgamated Clothing and Textile Workers Union,
AFL-CIO, CLC.

10-77—75M









WELCOME TO YOUR UNION

Education Department
Amalgamated Clothing and Textile Workers Union,
AFL-CIO, CLC.

WELCOME TO ACTWU

Welcome to your union, the Amalgamated Clothing and Textile Workers Union. We are some half million men and women working together to improve our working and living conditions and to keep the union strong.

In June, 1976, ACTWU was formed by merging the Amalgamated Clothing Workers of America (ACWA) and the Textile Workers Union of America (TWUA).

WHO ARE THE MEMBERS

ACTWU members in the U.S. and in Canada manufacture and finish textiles and produce male apparel. Some of the products we make are men's and boy's suits, coats, pants, outerwear, workclothes, shirts, gloves, ties, and synthetic, cotton and woolen fabrics, carpets, drapes, hosiery, towels, sheets, underwear, yarn, auto seat belts, and bags. We also work in related industries such as laundries, cleaning and dyeing shops, pharmaceutical plants, retail stores and offices in the industry. The union also has a special division for its members who work for Xerox.

ACTWU members work in most States of the United States, Puerto Rico, and provinces in Canada. A few have been in the union since 1914, some joined during the textile organizing drives in the 1930's, and some just joined yesterday.



ABOUT THE UNION

It took time to build a strong union and our early history was marked by harsh struggles and suffering as we fought to win decent working conditions.

The fight against sweatshop conditions in apparel shops was set off by a 1910 strike in Chicago, an equally bitter strike in New York in 1912-13, and formation of ACWA in 1914.

The development of the CIO in the mid-thirties together with organizing successes in hosiery, dyeing and finishing paved the way for creation of the TWUA in 1937.

HOW YOUR UNION WORKS

The first thing about a union is that you are not alone.

In the shop everyone stands together and your shop steward represents you in working out problems with management.

You are backed by a union representative who helps settle shop complaints and grievances, and assists in the administration of the union. If the grievance is still not settled, it may then go to a higher official such as your joint board's manager.

As a member of ACTWU, you belong to a local union, and you should help decide the business of your local by attending its regular meetings. Your local union may be affiliated with a joint board or regional office, which helps provide activities for your local and other locals in your area.

Members are protected by a union contract which provides

* job security
* overtime pay
* vacations and holidays with pay
* grievance procedure

Gone are the days of discrimination and firings without just cause. Your contract and grievance procedure protect you. When you have a complaint, see your shop steward.

The union has also won medical and hospital benefits, sickness and accident pay, and often, pensions.

THE GENERAL OFFICE OF ACTWU

All the Joint Boards, Regional Offices and Local Unions together make up ACTWU with headquarters in New York.

At these headquarters are located the offices of the President, Secretary-Treasurer, Sr. Executive Vice-President, and Executive Vice-President, and departments of ACTWU.

The resources of the international union strengthen you locally and regionally by providing legal assistance, research data, the union newspaper, and education, social services, political, legislative, and health and safety programs.

THE UNION CONVENTION

The highest governing body of the union is the Convention. It meets every two years. Locals and Joint Boards send delegates who nominate the candidates for the General Executive Board and set union policy. The Executive Board consists of the ACTWU Vice-Presidents and General Officers.

YOU BELONG TO THE AFL-CIO AND THE CLC

Through ACTWU you belong to the American Federation of Labor—Congress of Industrial Organizations (AFL-CIO), and the Canadian Labour Congress (CLC). In this way, over 14 million trade unionists in the United States and 2.5 million unionists in Canada are joined in the effort for improved working conditions as well as a better America and a better world.



As for Bread and Butter . . .

With an ACTWU contract you get higher pay and are no longer at the mercy of the employer. A union contract means that apparel workers now have a voice in setting piece rates and textile workers can be protected from excessive work loads.

A contract provides much more–here are just a few of the standard benefits provided in ACTWU contracts in the United States and Canada.

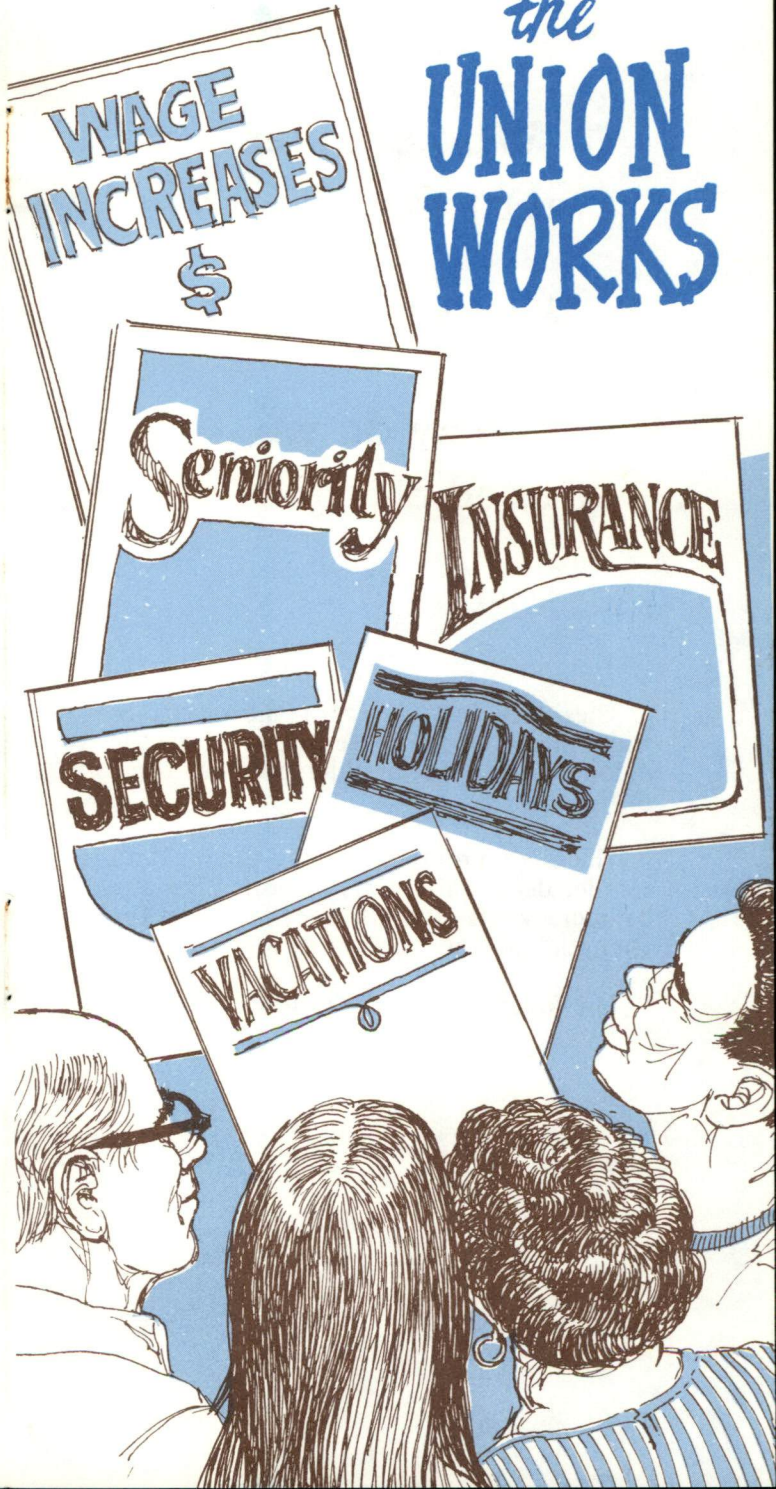
SENIORITY
JOB SECURITY
OVERTIME PAY
SHIFT DIFFERENTIALS
PAID HOLIDAYS
PAID VACATIONS
FREE INSURANCE
GRIEVANCE MACHINERY
RETIREMENT PAY OR PENSIONS

Amalgamated Clothing & Textile Workers Union
AFL-CIO, CLC

Printed in U.S.A.
75M 1/77

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HOW *the* UNION WORKS



How do we get a union?

Who runs a union?

Who decides what we ask for?

Who's the boss?

Why do we need a union?

These are just a few of the questions which make up the bigger subject, how the union works. This booklet provides some of the answers.

There is no mystery about a union. It's a simple, democratic organization. Like any democracy, its strength depends upon the strength and conviction of its members.

The following pages tell the story.

THE SETUP OF ACTWU

The members run ACTWU's affairs just like the citizens run our country. The members form a local union and elect their own leaders. Sometimes a group of local unions in the same area decide to form a joint board so they can work more closely together.



Amalgamated Clothing & Textile Workers Union
AFL-CIO, CLC

There's another point we want to make. A vital, living union cannot be built on the attitude of "what's in it for me." A real union is more than wages and working conditions.

What a union means, in a textile plant, an apparel shop, a store, an auto plant or a newspaper, is FREEDOM—personal rights, personal liberty, self-respect.

Freedom and fair play are even more important, to true Americans, than wages. These are the great contributions of the union movement to the industrial scene in our country.

The only truly free worker is the union worker. That's why we are so sure that all textile and apparel workers should join together in our union.



WORKERS in your plant are joining the AFL-CIO, CLC Amalgamated Clothing & Textile Workers Union. They have asked the union to send in some organizers to help out. They have done this because they know the union means better conditions, greater security, more personal liberty and lots of other benefits.

Maybe you are wondering how a union is able to bring about these gains—in other words, how the union works.

That's what this little booklet tries to tell you.

* * *

The First Step
ORGANIZE



BEFORE anything else, YOU must decide you need a union and want a union. That's the first step. When more than half the workers in your plant come to that decision, and sign union membership cards, you'll be on your way.

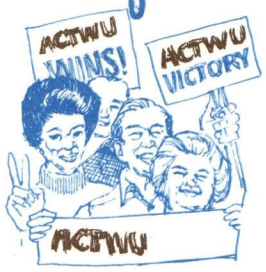
After most of you have signed up, the union will ask the company to recognize the union as a "bargaining agent"—in other words, to accept the idea that you want a union. Almost always the company will refuse; so the union asks the Labor Relations Board to hold a secret election.

What the company really wants is a chance to talk you out of wanting a union. Therefore, winning the election is your first big test. Unless you and the other workers want a union badly enough to work for it, you won't get one. The organizers at the gates can help somewhat, but YOU have to do the job.

This is something to remember—something you will hear time after time. The union can help you only if you are willing to help yourself. The union works only as well as you make it work.

* * *

After the Election



NOW let's imagine the election is over and the union has won. ACTWU, AFL-CIO, CLC, is your "bargaining agent", legally "certified" by the U.S. government. Your company is now required by law to deal with your union. You've had lots of excitement and a big celebration. Now what?

Actually, you've just started. Your union life has just begun.

All the union members in your plant will meet together as soon as possible. You'll elect officers for your local union; you'll elect shop stewards and committeemen for each department and each shift; you'll elect a committee to speak for you in negotiations. Remember, only the workers in your plant can run for these positions, and only the workers in your plant can vote in these elections.

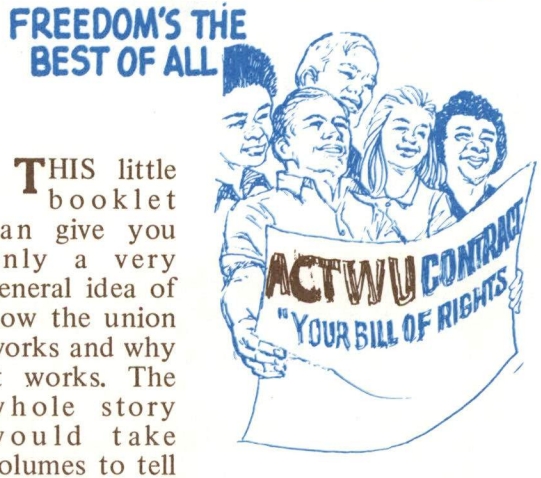
Then you'll talk about what you want in your first union contract with the company.

The employers know this. That's why they talk so much about "outsiders." They want to divide you from other organized workers. An employer who pretends that a union "dictates" to workers is simply trying to continue his own dictatorship. He's just raising a smoke screen to divert your attention from the real issues. We have already seen that ACTWU is a union run by its members—by YOU.

As for "outsiders"—your boss joins with "outsiders" in the manufacturers' association; he hires "outsiders" as lawyers and engineers when it suits his purpose; he does business with "outsiders." Actually there are no "outsiders"; we are all workers with common interests and goals.

* * *

—in Conclusion



THIS little booklet can give you only a very general idea of how the union works and why it works. The whole story would take volumes to tell—but you will learn it very quickly from your own experience.

Aside from telling you about the kind of operations involved, we have constantly repeated the one most important fact—how well the union works depends on YOU.

ficers and shop stewards know what to do? They're as new to unions as you are.

That's another advantage of joining ACTWU. After your local union is organized, the ACTWU education department can provide training for your local leaders.

* * *

One Big Union



UP to now, you have seen how the union works—first by winning the election, second by standing firm during contract negotiations, third by handling grievances, fourth by training local leaders to do their jobs better. The operation is a simple one. Yet you may still be wondering WHY it works.

Here again the answer is simple. The union works—it produces results—only because it IS a union of many hundreds of local groups like your own, joined together for the common good.

Perhaps your boss would be very willing to fight openly against a union of his own workers. He is more inclined to think twice if he is fighting hundreds of thousands of workers. It is only by uniting in large numbers that workers can meet their employers on equal terms.

Getting a Contract



IN the next few days your negotiating committee will write up a proposed contract. Here's where the ACTWU representatives – your union representatives – are very helpful.

ACTWU is a big union, with lots of experience. The staff people know the ins and outs. Most of your local problems have come up somewhere else; the staff members know how to handle them.

Even so, you'll find out that asking isn't the same as getting. Your negotiating committee will give the company your proposals. The company will have plenty of objections. Then your committee will sit down with the boss and argue it out. That's what is called "collective bargaining."

You'll be mighty glad to have the help of skillful, experienced ACTWU negotiators who know all the tricks. They're bigleaguers; they won't be fooled.

Your negotiating committee will keep you posted on negotiations. Sooner or later, when your committee thinks it has gotten the best bargain it can, you'll vote to take it—or turn it down. Nothing goes into a contract unless a majority asks for it; nothing is left out which a majority refuses to give up.

You won't get everything you want in your first contract. How close you come will depend, once again, on YOU. If you stand firm under company pressure; if you know when to give a little and when to

resist; if you remember "what's best for most of us is best for all of us"; if you put the UNION first, you'll end up with a good contract.

Then you can look forward to more gains in the years to come.

* * *

When you've got a Complaint



SUPPOSE you have agreed on a contract. This booklet can't cover the terms you might expect; you'll get that from other leaflets. Let's just see how a union contract protects YOU as an individual. Here's a typical case:

The supervisor is playing favorites. (There are a thousand other "typical" grievances, involving earnings, transfers, etc. The cause doesn't matter as long as you think you've gotten a raw deal.) What do you do?

First you see your shop steward. The two of you go to the foreman or forelady; maybe you can get it straightened out right there.

If not, you and your steward go further up, step by step. You may wind up with the big boss; and you'll have an ACTWU expert to help talk for you.

In short, no boss can give you a "final answer" if you have a union—not even the big boss. Because after him there's still another step—arbitration. That's a story in itself.

Arbitration



ALL contracts in the Amalgamated Clothing & Textile Workers Union provide that when the company and the union can't settle a dispute, the case goes to arbitration by some outside party.

Such disagreements can come up even when both sides are friendly. It's like having an umpire or referee in a ball game. Your "referee" may be a lawyer, a minister or perhaps a college professor who will sit like a judge in court, listen to both sides and make a decision.

When you work under an ACTWU contract, you know your case will be given to the arbitrator in the best possible way. There are real professionals to help you.

The arbitrator may rule one way or another. Both sides are bound to accept his decision. No matter which way he decides, you can be sure the company won't be able to "take it out on you." The union makes sure of that.

* * *

Learning the Ropes



WE'VE talked about the help you will get from experienced ACTWU experts. We've also talked about the fact that you will be running your own affairs with your own elected people. How will your elected of-

SECTION V

DEVELOPING WORKING RELATIONSHIPS

OVERVIEW

There are many areas in which labor can provide information and technical assistance to vocational rehabilitation professionals. Education is especially necessary in view of the misconceptions that often cloud relations between the two sectors. Many vocational rehabilitation counselors never think of working with unions, or consciously avoid approaching them, due to lack of knowledge of how and whom to approach.

Unions represent a significant proportion of the public whose attitudes and actions can promote or impede opportunities for persons with disabilities. Union resources, such as educational programs and newspapers, can be used to direct rehabilitation and affirmative action information toward the union audience. Union health insurance and social service programs can be useful in providing or obtaining services for members with disabilities as well as for persons with disabilities who are new entrants into union jobs.

Unions can aid in obtaining needed federal, state, and local legislation as they represent large political constituencies. In their formal and informal relations with employers, unions have special legitimacy as the primary representatives of millions of workers. As a result, they are in a position to protect and promote employment rights and opportunities for workers with disabilities.

Moriarty, J.B., & Akabas, S.H. VR and labor unions. Some considerations for affirmative action. Dunbar, VA: West Virginia Research and Trainng Center, 1977.

The purpose of this publication is to help vocational rehabilitation establish a dialogue with labor regarding equal employment treatment and affirmative action for persons with disabilities.

American Federation of Labor and Congress of Industrial Organizations. Working together...The key to jobs for the handicapped. AFL-CIO Publication No. 42, June 1978.

This pamphlet discusses the union's responsibility and commitment toward employing persons with disabilities.

American Federation of Labor and Congress of Industrial Organizations. Job opportunities for the handicapped. The AFL-CIO American Federationist, (Rev.) August 1980.

According to vocational rehabilitation, a person isn't rehabilitated until he or she is employed. This pamphlet shows how unions have played an important role in this process by striving for full employment for workers with disabilities and outlines the contribution that unions have played toward eliminating discrimination and creating greater opportunities for persons with an impairment.

American Federation of Labor and Congress of Industrial Organizations., AFL-CIO Community Service Activities. The seventeen million: A labor program for rehabilitation. AFL-CIO Publication No. 119.

This pamphlet outlines the steps that local union bodies and their Community Services Committees can take toward mobilizing community resources and meeting the employment needs of persons with disabilities.

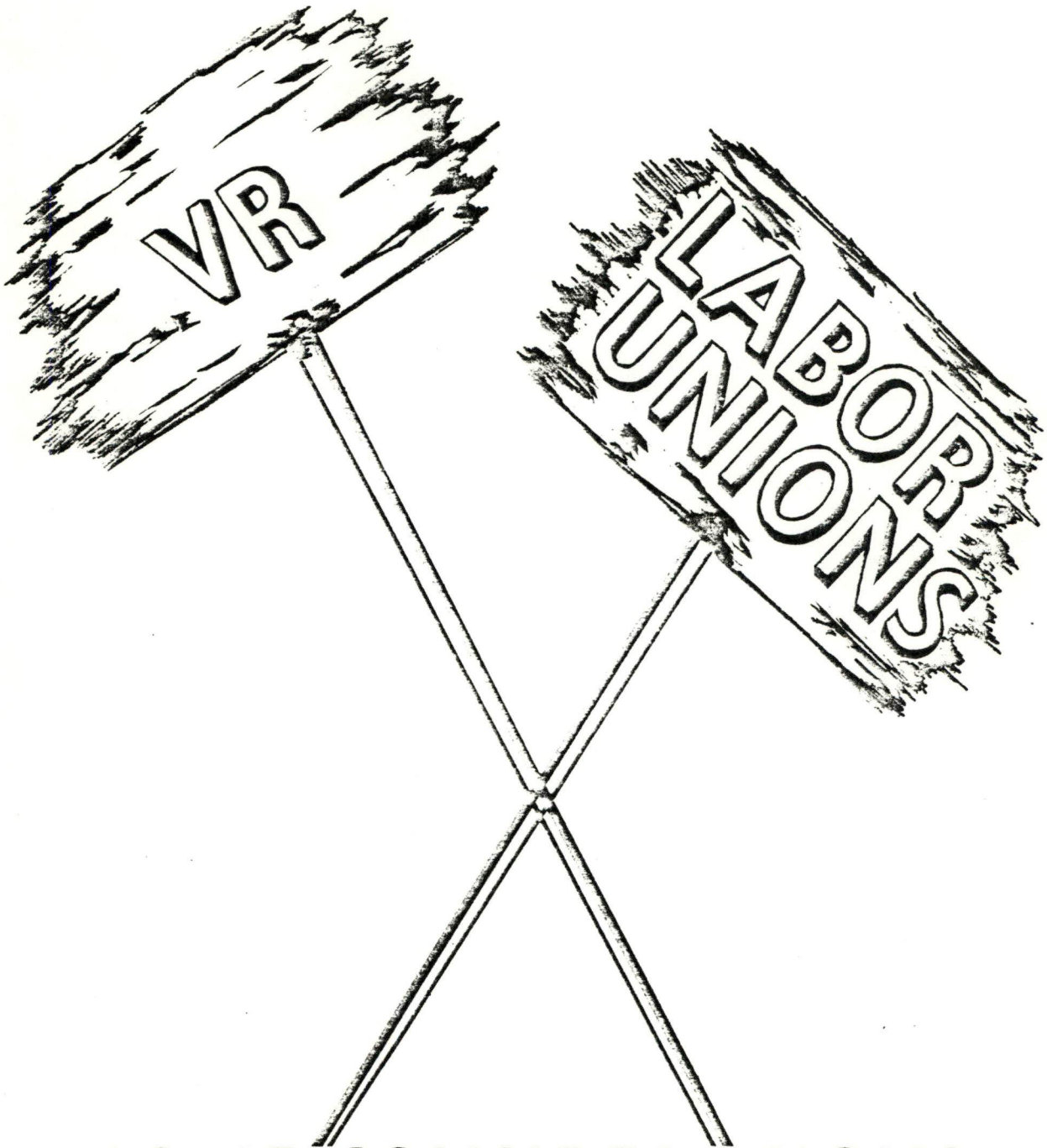
RESOURCES

The pamphlets that follow have been reprinted or included with permission from their sources.

Working Together...The Key to Jobs for the Handicapped. Published with the permission of the AFL-CIO.

Job Opportunities for the Handicapped. Published with the permission of the AFL-CIO.

The Seventeen Million: A Labor Program for Rehabilitation. Published with the permission of the AFL-CIO.



SOME CONSIDERATIONS FOR AFFIRMATIVE ACTION

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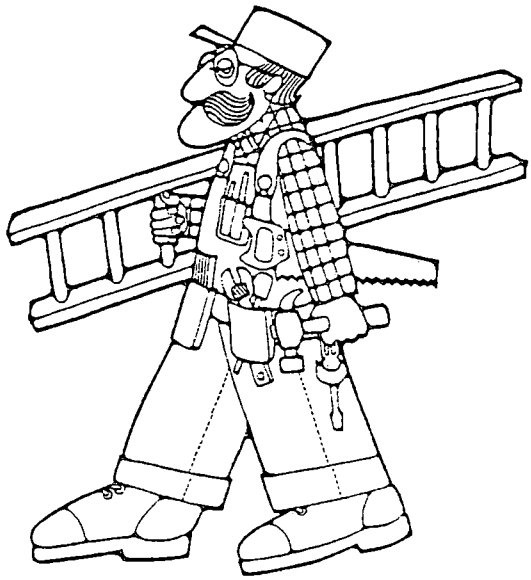
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The past with some speculation as to: how come?

When you sit down and think about it, it's a bit puzzling. For better than 50 years now, VR has been in the business of preparing and placing people into the world of work. Yet, throughout its history, VR hasn't done that much in the way of contact with organized labor. This, despite the obvious fact that organized labor is one of the most important influences on that work world into which VR seeks to place its clients. In speculating about how come this state of affairs has existed, two things stand out: mind sets and stereotypes.



Mind Sets

The mind set of labor is rooted in the explicit, concerted use of direct power through strikes and boycotts. This is likely to be different from the mind set of a humanistic approach that the VR person is likely to espouse. But, even conceding such a difference in mind sets, it is important to note that not all differences are incompatible, or mutually exclusive, or irreconcilable.

Stereotypes



This refers to forcing people into categories and wrapping labels of doubtful fit on the ones so categorized. "Blacks have a natural sense of rhythm" is an example of racial stereotyping that some of my black colleagues point to as a generalized label of dubious fit. Stereotypes breed in an atmosphere where contact between groups are either non-existent, or when the contact is only with selected members of a particular group. Since VR counselors are rarely exposed to information about organized labor, either in training or on the job, they are likely to form judgments or stereotypes through the contact route of mass media, e.g., TV. Failing information to the contrary, media coverage of a corrupt union official with his hand in the till, or the grim spector of violence exploding at a picket line, foster unfavorable stereotypes.

Three of the especially unfortunate consequences of negative stereotypes are:

1. *Prejudice.* Or prejudging a member of a stereotyped group in advance of direct contact, or prejudging how this direct contact is likely to go, should it ever materialize, e.g., expecting the contact will go along adversary lines.

2. *Self-fulffilling prophesies.* Or "See, I told you so."

3. *General avoidance.* Or short circuiting the very thing that dissolves stereotypes, i.e., contact.

Stereotypes of organized labor as power-hungry, shady characters, with a let-the-public-be-damned attitude does as much violence to reality as do stereotypes of VR people as fuzzy headed do-gooders, with little interest in coming to grips with the real world. By the way, similar violence is done to reality if "corporate types" are stereotyped as crass, myopic individuals who see and respond to only one thing: making the almighty bottom line as large as it possibly can be.

It is not the intent of this publication to present a defense of organized labor. *If the reader comes away from reading this with only one impression, it should be that organized labor is a very diverse institution. Valid generalizations (unlike stereotypes) are hard to come by.*

There are what you might call highly progressive unions with a strong sense of social responsibility. There are also extremely conservative, even reactionary ones. There are unions in single industries, such as the United Auto Workers, a union of all auto workers. There are also unions which cut across industries such as the International Brotherhood of Electrical Workers.

There are unions whose membership consists mostly of men like the Carpenters Union. There are also unions whose membership consists almost only of women, such as the International Ladies' Garment Workers' Union. There are unions with a predominance of black workers, such as District 1199 Health and Hospital Workers in New York City. There are also unions whose memberships (until it recently became illegal under affirmative action) had been restricted to only the legitimate sons of union members, e.g., newspaper handlers in New York.

On top of this organizational diversity, there is the usual diversity of personal interest in the cause of the handicapped. For example, a union official or member who has experienced a disability directly (either himself or a loved one) may have higher initial interest in vocational rehabilitation.

With diversity in mind, the following generalizations about organized labor are noted:

- **they represent a large portion of America's working class**
- **members are more likely to be men rather than women**
- **in manufacturing rather than non-manufacturing industries**
- **when compared with distribution in the general population, unions have relatively more blacks, northern and urban workers**

SOME ASSUMPTIONS

Our approach here is based on the following assumptions:

1. From the standpoint of the disabled, very little can be lost and much may be gained by the establishment of an effective dialogue between VR and labor. Affirmative action aside, such a dialogue can only serve to enhance the effectiveness with which VR discharges its traditional mandate of preparing and placing disabled individuals into the work world. The business of labor is the business of jobs, work, employment. Organized labor represents a significant resource for technical assistance (if nothing else) to VR. Conversely, VR with its expertise in disability and adjustment to disability, is in a position to provide meaningful assistance to labor. Such assistance is likely to be valued if for no other reason than unions are typically concerned about returning their own members, who become disabled, to the work force. Unions are also concerned that disabled relatives of members receive assistance to become employable. When it is remembered that the size of organized labor numbers 20 million, and their families, you are talking conservatively about some 50 million individuals, a quarter of a million of whom might be VR-eligible.

2. Affirmative action for the employment of the disabled presents unique opportunities for expanding VR's role. But the opportunities have to be seized upon. To do this, VR undoubtedly will have to change some aspects of how it operates, what relationships it maintains and fosters and who VR talks to. Talking more to employers? Of course. Talking more to labor? It can't hurt. While VR has and should have a unique concern for "its own" i.e., VR clients (just like labor has concern for its own), it must be remembered that affirmative action for the disabled does not pertain just to VR clients. Rather, the sense behind affirmative action is the creation of a climate for equitable employment treatment for ALL disabled. The achievement of such a climate can have positive results for VR clients.

3. For VR to establish these new dialogues, it is essential that VR staff be equipped with basic information about labor to appreciate (in today's jargon) where labor is coming from. This publication strives to do this. The aim is not just to impart facts, but to develop an awareness of and sensitivity to the concerns, needs, and yes, at times the outright resistances of labor to affirmative action.

OUR GOAL: AGENDA SETTING

Our immediate goal in this publication is to inform VR about labor unions. We do this in the hope that such information will assist VR staff to achieve the intermediate goal: that of establishing a dialogue with labor regarding the equal employment treatment of and affirmative action for the disabled. The gist of affirmative action boils down to this: can *this* handicapped person with reasonable accommodation do *this particular job.* Affirmative action is therefore a little bit stronger than simple nondiscrimination or just giving equal employment opportunity. The ultimate goal is to strive for the development of a common agenda between labor and VR. Or the identification of common areas of mutual benefit. So the hoped-for sequence is information to dialogue to agenda setting.

Organized labor: background observations

THE CONTRACT

The VR person must understand the central role of the union contract. Loosely defined, it is the agreement negotiated with management through collective bargaining, governing the rate of compensation and all other terms and conditions of employment.

However, such a definition inadequately conveys the almost sacrosanct character of the contract to organized labor. The lion's share of any union's energy (as we'll see later) is concerned with negotiating the contract and seeing that it is enforced. However, to appreciate the central role of "the contract" to labor, the VR person is reminded of the following three points.

1. Every union official from shop steward on up is likely to know the contract, chapter and verse, where the i's are dotted and the t's are crossed. Such investment of energy to acquire intimate, detailed knowledge of the contract is indispensable if labor is to see that contract violations by management do not occur. In other words, to see that the contract is complied with.

2. How effective members see union leadership in negotiating contracts will influence whether such leadership continues in power.

3. The contract may also have a great deal of symbolic, emotionally-charged value to labor. Strikes called to secure a better contract may be lengthy and not only deplete union strike benefit funds, but can also result in major losses to unions, since for the duration of a strike, management's contribution to things like union health and pension funds is suspended.

Protracted strikes also affect union members at a very personal level. It is not unheard of to have union members' entire life savings, or substantial portions thereof, wiped out as a result of a long strike. The only justification for such hardship is, of course, having won the contract or contract improvements. So, union contracts can take on a great deal of personal meaning to a union member. It can symbolize a great deal of blood, sweat, and tears and VR representatives need to be sensitive to this aspect of the contract.

The reason for dwelling on the crucial importance of the contract is so the VR representatives recognize that AA overtures to labor, implying the union waive a contract provision, are likely to be viewed as major issues for any union. For example, contracts typically contain seniority system provisions. In fact, if there is anything in labor that approaches the contract in its sacrosanctness, it is the seniority system. One application of the seniority system is its use to determine progression from entry-level jobs (e.g., dock loader) on up to better paying and perhaps physically less demanding jobs (e.g., dispatcher on a loading dock).

It is possible that a disabled VR client may be qualified and able to perform the higher-level jobs but unable to perform entry-level jobs. (It is also possible to have the reverse, e.g., a person with mental retardation may be able to perform job level A, but not job level B). If this person is not already a union member, his presentation for employment at the higher-level job would require a by-passing of the seniority system. This is a thorny issue and one not easily resolved. Indeed, it may never be resolved at the general principle level. It may have to remain a case-by-case, individually negotiated issue.

Our point here is to sensitize the VR person to labor's viewpoint when placement of a disabled person butts up against a contract provision. The VR person's skill at successfully negotiating favorable outcomes for his client will depend on a myriad of factors, some of which are:

1. Has the VR person shown an understanding of the union's problems in this regard? References to contract waivers that reflect ignorance of the significance of what is being asked likely will have negative consequences.

2. Has the VR agency developed a previous relationship with the union to promote an atmosphere of trust and mutual self-interest? If this is the first contact of VR with unions, or if previous contacts have been seen as negative, the chances of successful negotiation are less. "Hello. My name is John Smith. I'm from VR and I'd like you to waive one of your contract requirements," is not likely to be a good opening.

3. Has the VR representative sought alternative solutions from labor and management? Or is he/she in a position to propose alternatives for consideration? For example, on the seniority question, one compromise might be to hire a person in at the higher-level job (say level B) but not permit him/her to begin to earn seniority until they had been in the job for a certain amount of time, e.g., the average time workers typically spend in the level A job.

"Doesn't all this negotiation you talk about represent a significant investment of VR time and energy?"

Absolutely.

"And you'll admit there's no guarantee this will lead to what VR regards as desirable results?"

Yes.

An evaluation of energy investment must be done in the context of possible pay-offs. The placement of a disabled individual in a job covered by a union can represent a major long-term benefit to the VR client. Employment in a unionized industry is a desirable goal for disabled people, for it provides work in a mainstream employment situation. In such a situation, the disabled, like every other union member, become eligible for a series of benefits customarily known as occupational social welfare system which includes medical care, hospitalization, pension rights, unemployment insurance, worker's compensation insurance, and often direct social services and counseling as well.

In addition, there are specific roles within the union (e.g., shop steward) that can assist the individual in many problems that might arise with respect to retaining a job.

In effect then, once the disabled person has become a union member, the very things that previously might have been obstacles (e.g., union contract) now become a major source for insuring on-going equitable treatment in the employment situation. Finally, the benefits package and other union resources can establish the independence of the disabled individual from the need for government or other community help. Such independence may well be a program (IWRP) goal as well as an ego-building opportunity for the disabled individual.

Organized labor: the structure

The structure of organized labor is along two lines. First, there is the international union or vertical organization of labor. Then there is the federated or horizontal organization.

INTERNATIONAL UNION STRUCTURE

The central structure of organized labor is the international union, so called because it includes membership in Mexico or Canada as well as in the United States. There are more than 200 unions in the United States today, each virtually independent and autonomous. A private, non-profit organization with its own constitution and annual or bi-annual convention, it typically has a president and an executive board. The international is organized into locals which are then parts of a regional organization; these regional organizations are in turn parts of the international.

These international unions are of two types: industrial and craft. Industrial unions, as the name implies, are organized across a particular industry. For the most part, the industrial union stems from a period of organization undertaken by the Congress of Industrial Organization (CIO) and includes unions such as the Textile Workers, Mine Workers, Farm Workers, Ladies' Garment Workers, etc. The craft unions, on the other hand, are the older unions, often dating back to the original days of the American Federation of Labor (AFL) and cover the building trades and such other crafts as motion picture operators, pipe fitters, and the like. Craft union membership is much smaller than industrial unions. International unions often control and manage huge resources. Pension funds in the hundreds of millions and even billions of dollars (for the very large unions) are encountered. (It is interesting to note that of the total voluntary contributions to the United Way nationwide, organized labor accounts for more than a third, or well over a half billion dollars.)

In its structure, the local often mirrors the international in that it may have its own president, vice-president, executive board, etc. Within any particular worksite, there may be one or more local unions which represent the labor force of that worksite. A local may, in fact, be made up of all the people in the worksite, or the local may represent a particular occupational group across worksites, or an industrial group across worksites. The local membership can range anywhere from 8 to 10 members (e.g., some of the old clothing workers' locals) to many thousands in the large industrial assembly-line plants. Although the international may negotiate the contract with management, the day-to-day activities of living with the contract are the responsibility of the local and its officers.

There are usually three levels of officers at the local level. Starting at the top, these levels are:

1. elected official: secretary-treasurer, or (in larger locals) the president
2. business agent: also may be referred to as chapter chairman, union representative or rep
3. shop steward/union counselor

Some internationals have a community services rep who promotes social services or an education director who could help inform membership about VR. If a union has neither, try the newspaper editor. Most unions have a newspaper and the editor tends to be well informed about social service networks.

FEDERATED STRUCTURE

This federated or horizontal structure is basically the AFL-CIO, whose president is currently the renowned George Meany. About 15 million of the 20-odd million workers in the United States belong to unions whose internationals are associated with AFL-CIO. Two major exceptions to this are the International Brotherhood of Teamsters and the United Auto Workers, who are not members of the AFL-CIO at this time. Most international presidents are vice-presidents of the AFL-CIO's General Board. Thus, at the national level, the AFL-CIO is made up of a federation of independent internationals. It is a union of unions. It is this Federation which speaks as the primary national voice of organized labor. Some of the major functions of AFL-CIO are:

- **organizing** — AFL-CIO has a Department on Organization to assist affiliated unions organize workers into unions.

- **legislation** — Through its Department of Legislation, AFL-CIO is the "labor lobby" which promotes passage by Congress of legislation of concern to labor. Aside from labor-specific legislation, organized labor has lobbied for things like consumer protection, education, civil rights. Of particular interest to VR is AFL-CIO's traditional support for legislation related to the disabled, e.g., social security legislation. It seems reasonable to expect positive support from labor for vocational rehabilitation kinds of legislation as well.

- **politics** — AFL-CIO's Committee on Political Education (COPE) is responsible for such things as encouraging voter turnout, informing membership of political issues and endorsement of candidates at national (national COPE) and state and local levels (state COPEs).

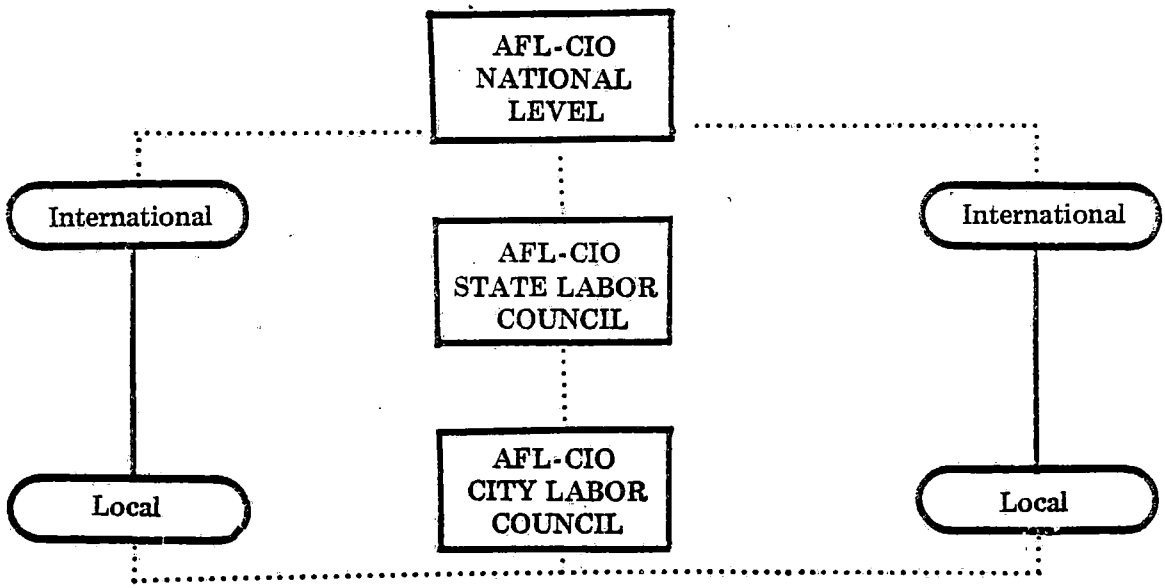
- **community services** — AFL-CIO has a substantial investment of time and money in this area. The Department of Community Service Activities has a staff of about 200 community service representatives around the country working with community health and human service agencies to foster liaison between them and labor. If VR seeks to establish dialogue with labor in general, contact with these representatives might be a good place to start.

- **education** — AFL-CIO has strongly advocated vocational education legislation as well as efforts to assure that no qualified person be denied college education because of financial need. This department also has responsibility for educating the public as to organized labor's goals and purpose. The Department of Education maintains a Speaker's Bureau which may be a resource to assist VR in its own in-house educational efforts.

Moving from the national level, the AFL-CIO has structures at the state and city level. At the city level the AFL-CIO structure is usually referred to as the City Central Labor Council. Just like the national organization of AFL-CIO consists of a federation of internationals, so too at the city level the Central Labor Council consists of locals of the internationals which are affiliated at the national level. These are in turn organized into the AFL-CIO State Labor Council.

The following chart attempts to depict (in oversimplified terms) the relationship between the international union structure (bold lines) and the federated structure (dotted lines). In the interest of simplicity we have omitted the regional affiliates that often are structured in between the international and its local. Again in somewhat simplified terms, the bold lines represent more of a downward (than upward) kind of relationship, while the dotted lines may be said to have more of an upward influence kind of relationship.

The internationals have influence on the national level. But in a particular city it can be the federation of a number of locals of internationals which exert major influence. So, for example, although the steel workers may have one million members throughout the United States, in a particular city where the number of steel workers may be minimal, its membership in the City Central Labor Council may be the source of any real influence which the steel workers have in that particular town.



Organized labor: functioning

AFL-CIO

As mentioned, it is the function of this federated structure to be the collective force of labor to influence policy and legislation at the national, state, and local levels.

International Union

Among the functions of the internationals are:

1. Influencing the AFL-CIO to be responsive to the concerns of its union membership
2. Negotiating contracts with management (although at times this may be done at the local level with perhaps the involvement of the international rep)
3. Technical assistance to locals affiliated with the international union
4. Lobbying

Local

Some of the functions of the local include:

1. Collection of dues. On this score it is noted that dues are typically collected through the check-off system. In other words, management deducts the dues and forwards same to the union local. Negotiating this check-off arrangement represented a major achievement for unions since it eliminated the need for unions scurrying about to get forgetful and (or recalcitrant) members to pay their dues. Such routinization of dues collection through dues check-off systems measurably increased the security of the unions. Much of the dues collected by the local from a union member is then paid to the international on his behalf.
2. Direct assistance to members in a variety of areas—not just work, but in such areas as personal and family concerns, health, recreation, to name but a few.

3. Contract enforcement. This is probably the local's most important function. In this regard it is important for the VR person to understand that the union locals often work within a framework pre-established as a result of the contract negotiated at the international level. As a consequence, the influence of the local is frequently related to what the local can do directly and informally for the union membership. Properly approached, locals may be expected to respond positively when asked to carry out such responsibilities. A VR person who understands this and can make use of this in the interest of the handicapped job applicant, serves both the interest of the VR client and the union as well.

The local serves as the prime point of contact for the union member who generally have little contact with higher structures like the international and even less with the AFL-CIO. Typically, locals enjoy considerable autonomy within the terms of the master contract negotiated nationally. Because of the importance of the local, we will devote a section to it.

UNION LOCAL

Starting at bottom, as it were, we will review the three levels within a local mentioned in the earlier chapter.

Shop Steward

The first level union person is the shop steward. The shop steward can be either elected by co-workers in a particular work setting or appointed by the officers of a local. The shop steward is usually the first line in the grievance procedure and contract enforcement, operating opposite the foreman in negotiating difficulties on the job, such as the contract rate on a piece-rate job or the question of whether someone is taking too much time in the washroom. The shop steward is usually a line worker who uses own time or else a proportion of work time (which is classified as release time) to handle grievances of the workers he or she represents. In many worksites, the shop steward is the informal resource for handling problems which have little to do with contract negotiations, e.g., the respected figure to whom people bring difficulties ranging from wage garnishment to family problems. Thus, the shop steward often occupies another title as well—that of union counselor. In organized worksites throughout the United States, there are union counselors who, utilizing their own time, train themselves to be referral agents for social service problems of the membership. These union counselors become the helping person in the worksite, concerned with off-the-job problems. Also of significance to the employment of the handicapped at the worksite, the shop steward and/or union counselor are those individuals who can mobilize peer groups to help a worker in need of support, a worker who requires some special assistance from his work groups. The shop steward, therefore, becomes a significant figure in a follow-along procedure when a disabled or mentally resotred person is introduced to the worksite.

Business Agent

In the hierarchy of union activity, the person above the shop steward in any particular work setting is known by one of a variety of names, such as the business agent, chapter chairman, union representative. He or she is usually a paid employee of the union, covers many worksites, and is responsible for the second level of grievance procedure handling and contract enforcement. It is at this level that the management counterpart is the personnel director. Thus, in the recruitment process of introducing new employees into the worksite, it is probably the paid union official who can be most helpful. This person can also negotiate return to light work, accommodation on the career ladder, shift time or other supports which require formal rather than informal countenance by the work setting.

Elected Representative

Finally, within the local union is the elected representative, often although not always paid, who actually manages the local politically and in relation to the international. This frequently is the job held by the secretary-treasurer who, in the grievance procedure, deals with the plant manager, superintendent, worksite director, or the like. He or she meets with all other union personnel and is the one who would be able to provide an overview of where jobs are developing, where the industry may be heading, what new technology is on the horizon, etc.

In reverse order, then,

- *policy* is probably determined by the local elected union officer and plant management,
- *general recruitment* and introduction to the job by the union business agent and personnel management director,
- *maintenance on the job* and supportive system marshalling by the shop steward and foreman

The following chart summarizes this relationship:

Area	Management Role	Labor Role
Policy	Plant Manager	Local Elected Officer
Recruitment	Personnel Director	Business Agent
Job Maintenance	Foreman	Shop Steward

This chart also serves to emphasize that as VR moves into areas like job placement and affirmative action, it may involve the need for bilateral relationships with both labor and management. Unilateral action on the part of management is likely to be resisted by labor. Similarly, unilateral action on the part of labor can also be expected to be resisted by management.

VR and labor: notes toward agenda setting

At the outset of this publication, we indicated that the ultimate purpose behind this piece was to contribute toward the establishment of greater dialogue between VR and labor. The ultimate goal is *the development of a common agenda on which both organized labor and VR can cooperate with respect to equal employment opportunity and affirmative action for the disabled.* This chapter attempts to develop some thoughts about how VR can go about the two-fold task of establishing dialogue and developing a common agenda. Our thoughts in this regard are organized around four basic recommendations to VR:

1. **Be informed**
2. **Be coordinated**
3. **Be realistic**
4. **Be long-term oriented**

BE INFORMED

As has been suggested in various points in this publication, the chances of ultimately establishing a productive relationship with labor will, at least to a certain extent, depend on VR having the basic knowledge about the needs of organized labor, its organization and function. To repeat, the goal is simply not to acquire an impressive array of facts regarding organized labor, rather the goal is to acquire a sensitivity as to where organized labor is coming from as we approach the area of employment for the disabled. Among the things that have to be kept in mind is the realistic role that organized labor plays in the recruitment process. For example, it is sometimes alleged by management that although they may be positively inclined toward hiring a disabled individual, the labor union won't allow them. While this area is somewhat complex, it is often well to treat such statements with some skepticism. In the craft unions, it is true that organized labor can influence who is hired through its control of the apprentice training programs. It is possible that discriminatory practices in the apprenticeship system may have the net effect of limiting the employer's option in a union shop situation.

However, having conceded this possibility, it is well to note that the craft unions comprise a comparatively small minority of the total organized labor force. Allegations of labor union practices preventing management from hiring a disabled individual are to be regarded as especially suspect in industrial union situtations. There was indeed a time in American history when the closed shop did exist. In a closed shop situation, if an employer had a job opening, he was required by virtue of his agreement with the trade union, to inform the union of the opening and employ only union members in that opening. However, this closed shop arrangement was outlawed by the Taft-Hartley Act in 1947 and has not existed in the United States since that time. *Thus, recruitment for job openings is largely in the hands of the employer.* The maximum agreement which unions are able under law to gain in collective bargaining, is that of the union shop. In such situations, an individual who is employed by an employer covered by a union shop agreement, must join the union after a certain period of employment. This period varies based on the agreement between management and the union. This time is rarely less than 30 days, nor more than 90 days. Given this relatively open employment picture, management claims to the contrary may at least at times be suspect. What we are saying here is that the first level of employment, that of entry into any particular job, is not barred by any legitimate union practice.

On the other side of the coin, a rehabilitation counselor should be aware that certain types of jobs are almost entirely in union shop settings. Therefore, a client who objects in principle to joining a union, should possibly not be trained for such jobs.

The VR person should also be informed about certain traditional union practices that are very much consistent with affirmative action in employment of the handicapped. In just about every work setting there are jobs that lend themselves to being filled by individuals with physical limitations. Many unions have developed the tradition of attempting to reserve these jobs for members who, because of age or disability, may no longer be able to function in other job roles. (In some cases, such workers are referred to as "preferred workers.")

Also worthy of note is the tradition of redesigning a particular job or sequence of jobs to permit the disabled worker to function as an effective member of the work force. As a case in point, in a garment factory, workers were required to walk to a particular location to pick up work bundles. An employee in a wheelchair was unable to maneuver into the location where the work bundles were available, so co-workers took it upon themselves to see that the wheelchair-bound worker always had a fresh bundle of work. In the electrical construction field, another example comes to mind. At every major construction site there is an electrician who is in charge of handing out equipment and materials. As can be imagined, these materials are costly and kept under lock and key and the inventory clerk's job is a comparatively light one which doesn't require climbing around many stories above the city streets. This latter example is a specific instance of reserving certain kinds of jobs for physically limited individuals. The former example in the garment factory is an instance of job reengineering as a result of eliciting the cooperation of coworkers.

Our point in touching on some of these traditions in organized labor is this: affirmative action provisions call for "reasonable accommodation" so that an otherwise qualified handicapped individual may be provided the opportunity to work. Though couched perhaps in different terms, there are traditions in place within organized labor that are very much in tune with the spirit behind the reasonable accommodation provisions of affirmative action. It is well for the VR representative who plans to work with labor to be aware of such traditions.

The VR person should also consider organized labor's needs to present a favorable public image. Organized labor, no more than say a state VR agency, would prefer to have positive rather than negative communication about its activities to the public. Reports of organized labor cooperating with agencies such as vocational rehabilitation in the interests of employing handicapped people tend to create a positive image in the mind of the public.

VR staff working with labor would also do well to be informed of a number of currently active efforts at the national level that bear very much on the possibility for increased labor—VR dialogue. Examples of these include the participation by Mr. George Meany of AFL-CIO on the Executive Committee of the President's Committee on Employment of the Handicapped (PCEH). The purpose of this activity is to create a forum for discussion and a review of issues related to employment of the handicapped.

In addition, the Rehabilitation Services Administration has established a Research Institute at Columbia University that is specifically geared toward the role of labor and management in VR. One of the outgrowths of this Research Institute is a special demonstration project dealing with the role of the labor union in affirmative action for employment of the handicapped.

The above-mentioned traditions with labor and current activities taking place on the affirmative action front, need to be communicated to VR staff working or about to work in the area of cooperative efforts with labor.

BE COORDINATED

Here we have three kinds of coordination in mind:

1. Intra-agency

2. Inter-agency

3. Labor-management

Intra-agency

Our basic premise is that the approach by VR to labor will be more effective if it is a coherent agency response managed at the top and integrating various levels of the agency as opportunity and local needs require. As most texts on the subject indicate, managing involves:

- leading
- planning
- organizing
- monitoring or controling

As it manages the approach to labor, agencies will have to address such questions as:

What is the role of of operational staff, i.e., counselors?

Should all counselors be expected to have similar roles? Or would it be preferable to designate certain counselors with lead responsibility like the account system which Michigan DVR uses for working with employers? Whatever roles are developed for operations staff, are these roles reasonable?

Keeping in mind that the central task of operational staff is rehabilitation casework, are the necessary supports available for operational staff to do what is expected? For example, if a counselor is expected to contact labor at the union local level, does he/she have available tools such as printed material, brochures, or audiovisual aids?

Should the road to such local contact be paved by previous contact with labor at the state level, e.g., state office DVR to State AFL-CIO Community Service Department?

What other action should be taken at state office level to facilitate and support expected performance at the operational level, e.g., assignment of a state office labor relations specialist to assist and support efforts at the operational level.

Especially in larger, more populous states, should such specialists also be developed at district or regional office level?

VR management must also decide such questions as: Should the approach to labor be statewide, i.e., to labor in general? Or should the VR agency first seek to concentrate on one or two selected, more positively inclined, labor unions in a demonstration-type approach?

Whatever the expected performance, VR managers need to focus on the three critical components of:

ability

opportunity

incentives [1]

First, are staff *able* to carry out assigned tasks? Do they need prior training? Is what is being requested compatible with their definition of their own professional role? Is there an "attitude" problem?

Is there reasonable *opportunity* for staff to perform the new tasks? Will it be necessary to negotiate reduction in previous work load in order to reasonably expect present staff to have the opportunity to discharge newly assigned tasks?

Are there *incentives* in place so that performance of newly assigned tasks will be recognized and encouraged?

This brief description about inter-agency coordination is meant to be suggestive, not exhaustive. Suffice it say, that whatever the approach, the VR agency must regard a move to establish dialogue with labor as experimental, subject to revision as emerging circumstances warrant.

Inter-agency

As affirmative action begins to take hold, approaches to labor by a number of organizations or agencies are possible, e.g., Governors' Committees on Employment of the Handicapped, Veterans Administration, Employment Security, etc. VR agencies will need to evaluate the desirability of coordinating its approach with anticipated overtures by these other agencies. On the one hand unilateral approaches have the advantage of preserving the identity and distinctness of VR. On the other hand, separate approaches by multiple agencies around the same issue might be counterproductive.

Labor-Management

Earlier it was pointed out that getting the job done for placing the disabled worker often requires coordinated efforts between VR, labor and management. State VR agencies need to think through such issues in order to develop integrated approaches to both labor and management.

[1] *This three-fold approach is based on Herzberg's approach to worker motivation*

BE REALISTIC

Organized labor enters the social service arena primarily in the interest of their own membership. This is their bottom line, so to speak. VR too has its own bottom line, i.e., the placement of their clients into maximum gainful employment.

The goal of working with labor is to develop an agenda in which the bottom line of both parties might be commonly served.

As VR approaches labor, it is well for it to be realistic about bottom line consideration. It is also well for VR to be realistic about what its strong and weak points are likely to be from labor's point of view.

Labor is likely to be positive to VR because VR:

1. emphasizes the work ethic and maximum personal independence
2. emphasizes an individual approach—an accent on tailoring services to individual needs
3. can demonstrate a positive return on tax dollars spent
4. has been in existence for over a half-century. It has a track record
5. doesn't include economic need in its eligibility criteria, i.e., is not a "welfare program"

Realistically, VR should be aware of the possible negatives it may represent in labor's eyes:

1. VR state agencies might be associated with "the government" or the "bureaucracy".

   From the time of the founding of the AFL in 1886, and through the long period of leadership by Samuel Gompers, the trade union movement rejected government aid and intervention, seeing any power given to government to aid labor as a potential power which could be used against labor.

2. Aside from general negatives of being identified as "another government agency," there is the possibility of further negative association if VR agencies are mistakenly identified with the enforcement authority of affirmative action or Title V.

In the balance, we feel that from labor's standpoint, VR has a lot more positives than negatives. But a realistic assessment of the balance sheet – pro's and con's – is in order if VR is to establish effective dialogue with labor.

BE LONG-TERM ORIENTED

VR can't expect overnight successes from approaches to labor. A long-term viewpoint is essential. Not just biding time for the sake of biding time, but what happens in the time that elapses is what's important. VR needs to think through this issue and formulate at least a tentative agenda for working with labor. The major task is providing a sequence of cooperative efforts that address both of the bottom lines—that of VR and that of organized labor.

In thinking through this agenda, several principles need to be kept in mind:

- **Principle 1:** *Activities that involve near term payoff to labor are likely to get a more positive response than those where the payoff might not come about for a long time.* Put another way, a bird in the hand is worth two in the bush. Example: training of and technical assistance to shop stewards and other union officials in things like disability and adjustment to disability. Such assistance is likely to be positively viewed since the payoff is rather immediate. It will also be remembered that shop stewards often serve the additional role of union counselor, assisting members with a wide array of problems, e.g., what to do with a child born deaf or retarded, a spouse just paralyzed in an auto accident,

- **Principle 2:** *Activities that draw on labor's skills and experience are likely to be positively viewed.* Example: Labor can be consulted and involved in overall assessment of vocational training programs in terms of quality of purchased training received, likelihood of future demand for individuals with certain types of training, etc. Thus, labor may assist VR in its *overall* quality control effort to assure that meaningful training is provided the disabled. Furthermore, labor may be in a position to provide technical assistance in determining the appropriateness of a specific job objective or training programs for *individual* clients.

The preceding discussion is put forth to illustrate some of the items that might go to make up a meaningful agenda on which labor and VR might cooperate. Through things like mutual training and technical assistance as well as educating labor to be an informed consumer of VR services, a climate may be created that will assist VR achieve its goal of placement of handicapped individuals.

Concluding Comments

We started this discussion noting a paradox. The goal of VR is placement in the work world. Even though organized labor is a major force in this work world, dialogue and cooperation between VR and labor has been conspicuous by its absence. We have argued that the interests of the disabled in general and VR clients in particular are ill-served by a continuation of this historical isolation.

Affirmative action provides an ideal opportunity for VR to take dialogue-establishing initiatives. Perfunctory overtures and nods in the direction of labor will do little. What is called for, rather, is a sustained effort on the part of a VR community that is reasonably well-informed about labor's history and sensitive to its concerns.

Indeed, closer scrutiny of labor's "agenda" prompts considerable optimism regarding the probable outcomes of VR initiatives. We submit that conflicts between labor and VR might be more apparent than real.

Active concern for human dignity and equality of opportunity are clearly evident in VR. Such themes are discernible with equal clarity in the tradition of organized labor. In short, if VR and labor begin to talk to each other, mutuality of interest may surface more quickly than either would have anticipated.

Is there risk involved? Of course. Will immediate success accompany every VR initiative? Unquestionably not. If VR has to work through self-defeating prejudices and stereotypes, so too is it likely that labor may have to do the same.

For VR's part the gain that can accrue from its efforts appears to amply justify the effort and risk that may be involved.

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working together...

THE KEY TO JOBS FOR THE HANDICAPPED

AN AFL-CIO GUIDE

working together...

The trade union movement from its earliest days has recognized the right of the worker disabled by accident, on or off the job, to an opportunity to earn a living. It has taken the lead in securing the enactment of workmen's compensation legislation to protect the worker who suffers injury in employment. The reemployment of persons handicapped by industrial injury or disease has always been a major concern of labor.

AFL-CIO President George Meany says: "We look upon the handicapped worker just as we look upon any other group that suffers from prejudice, discrimination and inadequate opportunity. We want to help them win their full status as productive citizens."

Organized labor has contributed to the President's Committee on Employment of the Handicapped program on all levels. Nationally the AFL-CIO is represented on the policy-making Executive Committee of the President's Committee. The AFL-CIO Human Resources Development Institute has a project of finding jobs for disabled people. The Clothing & Textile Workers Union is developing an industry-wide affirmative action model for job placement of the handicapped.

The President's Committee was only two or three years old when it launched the first project in the schools—the present "Ability

Counts" writing contest which now carries the hire-the-handicapped message into the nation's public, private and parochial high schools.

Among the first national sponsors to donate prizes was the International Association of Machinists. Today, the AFL-CIO and the state federations and councils of labor provide transportation and expenses to Washington for the winners.

The primary responsibility of placing the handicapped in jobs suited to their abilities rests with management. There has been a concerted nation-wide effort to develop a primary ingredient in the President's program known as "employer acceptance." The AFL-CIO has played an important and pioneering part in this effort. Many more of the nation's employers now take an enlightened attitude toward hiring the handicapped.

The unions also have an important internal responsibility for developing "employe acceptance"—acceptance of the handicapped person by his fellow workers and immediate supervisors.

There was a time when a worker with a handicap was looked upon with scorn, fear, aversion, or even open hostility. The force and prestige of organized labor has gone a long way toward eliminating this attitude.

Labor has fought hard to end discrimination against workers because of race, creed or color and to end discriminatory practices in hiring the handicapped. Labor believes that it is a man's ability that counts, not his disability.

Unions are determined that a person with a handicap shall not be denied the opportunity to earn a living.

Who are the handicapped?

The handicapped we are talking about are people who are fully capable of work despite their physical or mental disabilities. They are not "charity cases." They are willing workers often deprived of opportunity by misunderstanding and bias. They are persons with physical or mental limitations but not necessarily job limitations.

"Mentally restored" refers to persons who were mentally or emotionally ill but who are restored and ready for work—ready for their rightful place in society as vouched for by competent medical authority.

The mentally retarded are persons whose mental development has been arrested, but not necessarily their skills and abilities to do certain kinds of jobs.

Today knowledgeable employers say, "Based on my experience, if I had two equally qualified persons, one with a disability and one without, I think I'd tend to take the disabled person."

There is very little difference between handicapped and non-handicapped workers as to their ability to work in harmony with their supervisors and fellow workers.

The number of jobs which require an able-bodied person with unimpaired faculties are disappearing. Opportunities are on the wane for the able-bodied, unskilled laborer. Good health, youth and possession of all limbs and senses will always be an advantage. But it is not absolutely essential that a worker possess all of these to handle a great many of the jobs that are available today.

The United States Department of Labor predicts that during the 1970s the fastest growing occupations will be professional and technical. The need for computer systems analysts, for example, will double

ring the decade. In the main these new jobs will be less demanding physically.

Today virtually every job in the country can be and is being performed by workers with some degree or some type of physical impairment.

Many surveys by industry and government made during the past two decades prove conclusively that it is good business to hire the handicapped. They are good, loyal employes and good fellow workers. They excel in promptness and attendance. As a group, they have a very low absentee record; they produce as well as the able-bodied, and in the matter of turnover they are far more dependable.

In the all-important matter of safety on the job, they do especially well. Insurance companies find the handicapped worker is a safer worker than his able-bodied colleague. Handicapped people are constant reminders to others that accidents do happen.

There are many barriers that keep the handicapped from jobs. Effective action to remove these barriers can take place only where the handicapped live and where they expect to be hired. Thus, major progress comes through the efforts of the local mayor's or community committee backed by the active support of the union movement.

Affirmative action

Every business with a government contract is covered by an affirmative action law for handicapped people. This includes half of all the nation's employers. The law applies not only to hiring, but also to promotions, retirement and other personnel actions.

There is a similar program that covers every institution in the nation

with a government grant—schools, colleges, hospitals, nursing homes and many others.

For a fact sheet about these programs, write to the President's Committee on Employment of the Handicapped, Washington, D.C. 20210.

Placing the handicapped

Selective placement means matching the physical abilities of the disabled with the physical demands of the job. It is the simple application of common sense.

Proper placement of a handicapped worker, as with any worker, is insured when **(1)** the full job requirements of skill, experience, aptitude, training, and education have been met; **(2)** the physical ability of the disabled worker is equal to the physical demands of the job; **(3)** the physical condition of the worker will not be aggravated by the physical demands and working conditions; and **(4)** the job duties or working conditions of the handicapped worker will not result in undue hazards to himself or others.

A job can be made more suitable and safe by a slight change in on-the-job duties or machine controls—such as shifting a lever from right to left hand operation or from hand to foot control or vice versa. Telephones are available with simple dial controls for persons with a slight hearing aggravation. Transferring duties involving activities or conditions unsuitable or unsafe may permit these workers to perform with full satisfaction.

With very few exceptions, handicapped applicants present practically no problems different from any other applicants. Most handicapped persons

ve lived with their impairment for a long period and relish an opportun to show what they can do.

An effective program for employment of the handicapped requires all the resources of the community. This is an area in which no local group can go it alone. Where there is no mayor's or community committee, local union officials can spearhead a drive to arouse community interest in the problem and can try to get the mayor to organize such a committee. Often the best local person to help get a program started is the manager of the local public employment office.

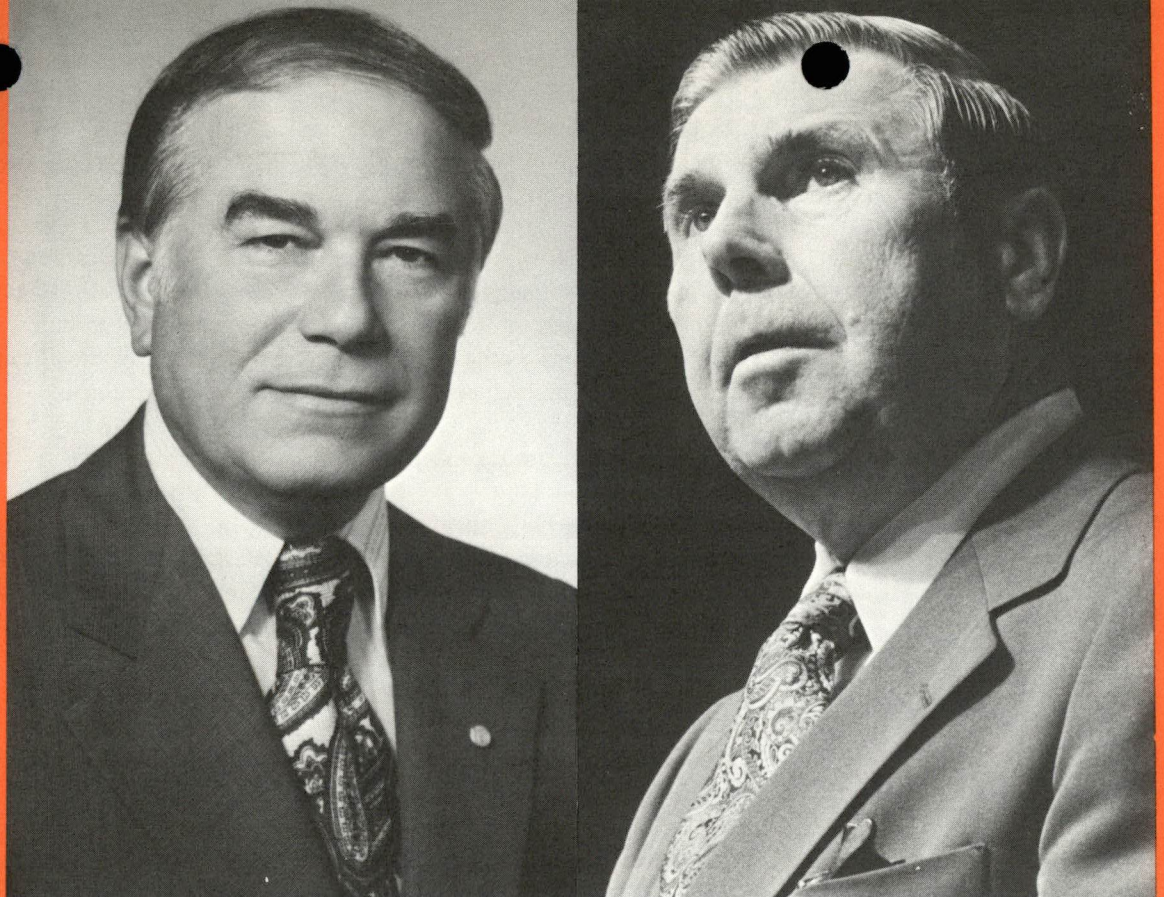
Information on the organization and functions of a mayor's committee are spelled out in manuals and handbooks obtainable from the governor's committee.

Local union leadership needs a working knowledge of public and private agencies providing rehabilitation, employment and other services for the handicapped. All of these should be included on the membership of the local committee. Information on these groups is also spelled out in the materials obtainable from governors' committees.

The governor's committee can furnish printed materials, films and other public information tools, and can be particularly useful in forming a mayor's committee. The executive secretary of the governor's committee or the chairman will assist in organizing a local committee in towns and cities.

A related project is a nation-wide drive now under way to eliminate architectural barriers which prevent as many as 30 million fellow citizens who are limited by age or disability from entering and working in places of employment. These obstacles have been built into nearly all of the nation's factories, offices and other buildings.

After years spent on overcoming the reluctance of an employer to hire the



Two vice presidents of the AFL-CIO, members of the Federation's Executive Council, serve in key positions on the President's Committee on Employment of the Handicapped. Charles H. Pillard (right), president of the International Brotherhood of Electrical Workers, is vice chairman of the committee. Glenn E. Watts (left), president of the Communications Workers, is chairman of the Labor Committee of the President's Committee.

ndicapped, it is ironic to have the paraplegic worker in a wheelchair ive for work only to be locked out by an imposing flight of steps or other thoughtless building designs which separate his wheelchair from his work bench. Other barriers may be revolving doors, narrow doorways, narrow rest rooms, out-of-reach drinking fountains, inaccessible elevators, and many more.

The American Standards Association approved a set of specifications which would make all buildings and facilities fully accessible to the handicapped. To put these specifications into effect, architects can be involved to make sure that the specifications are incorporated into new buildings or modifications of existing buildings. Contractors should be urged to make certain the specifications become part of the buildings they are erecting. Building code authorities can be enlisted to take steps to incorporate these standards into building codes.

For information on architectural barriers write to the President's Committee on Employment of the Handicapped, Washington, D.C. 20210.

From time to time the President's Committee receives reports that in some plants all new employes may be required to start at the bottom as laborers and later be advanced to better jobs on the basis of seniority.

Because this kind of work may demand heavy, fast and continuous exertion, the employment of handicapped job applicants is almost completely blocked even though there are other jobs in the plant where the handicapped could be given a job opportunity. For that matter there are all kinds of handicaps. A deaf mute may have more strength than many already on the job.

Periodically the Governors' Committees on Employment of the Handicapped are asked to bring such conditions to the attention of the chairman of the President's Committee so that remedial steps can be taken by appropriate local labor officials.

The AFL-CIO Policy

1. It is the policy of the American Federation of Labor and Congress of Industrial Organizations that every practical means shall be used to insure equal opportunity in employment of all qualified handicapped workers—both mentally and physically handicapped.

2. The Federation strives to increase employment opportunities for the handicapped through collective bargaining agreements and union-management cooperation.

3. The use of pre-employment physical examinations for any other purpose than to determine physical or mental ability for a suitable job is unsound.

4. The Federation seeks the extension of rehabilitation services through the expansion of existing facilities and the creation of new facilities wherever needed.

5. The Federation strives to extend the benefits of legislation to all states and to improve the laws now enacted in order to extend second injury protection (a) to a wider range of disabilities and aggravation of existing disabilities, (b) to workers whose disabilities were non-compensation cases, (c) to veterans with service-incurred disabilities.

6. The Federation recognizes the wisdom of active participation in community programs for the handicapped and encourages its state and city central bodies to take an active part in the state and local committees for the employment of the handicapped.

Many AFL-CIO contracts include clauses protecting the handicapped. Job security means more than security for the able-bodied. Unions strive to establish through collective bargaining a union-management program to assure continued employment in suitable new work for their employes who may become handicapped and to provide employment for other handicapped persons seeking work.

Protective clauses in union contracts should apply to all workers. Protection for the handicapped should be made a permanent part of every collective bargaining relationship to protect union members from being tossed on the human scrap heap in case of partial disability.

Here are some sample clauses that belong in labor-management agreements:

Veteran: The returning veteran unable to perform his former duties because of service-incurred disabilities shall be reinstated in such position as may be within his ability to perform, and shall retain accumulated seniority including time spent in the armed forces.

Old Employes: Any employe who, as a result of accident on or off the job or disease condition, is unable to perform his duties, shall be transferred to another position if work is available for which he is qualified or can be retrained within a reasonable time.

New Employes: Union and management, through a joint committee, shall accept the responsibility to (1) determine the physical and mental requirements for all job

openings and (2) give equal consideration in hiring to available handicapped workers who are to qualify for such openings.

Physical Examination: Pre-employment physical examinations shall not be made for any other purpose than to determine the physical abilities of the worker. The determination of the suitability of the job for the worker shall be made solely by the joint committee.

Seniority: If an employe because of physical disability is assigned to another department, he shall carry with him all seniority rights that he would have had in his former position.

The National Interest

For every dollar that state and federal governments spend in handicapped rehabilitation, the restored worker will pay back many times as much in state and federal income taxes. But the dollar motive is not the important thing. Organized labor is dedicated to helping others help themselves. That's what solves the problem of the handicapped.

In America fundamental programs are based on recognition of the worth and dignity of each individual—in this instance the right of the handicapped as well as the able-bodied to be self-supporting, self-respecting, first class tax-paying citizens.

A word from the chairman of the President's Committee

To millions of Americans Harold Russell will always be young Homer Parrish who won two Oscars in the film classic, "The Best Years of Our Lives." He was the sailor who came home from the war to face the world minus both of his hands. To the handicapped, however, he symbolizes the courageous spirit of those who have overcome their disabilities and have gone on to a job and independence.

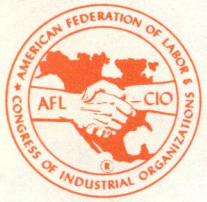
What is Harold Russell to himself? He says, "Long before I lost my hands in the war I was a chain store manager and a meatcutter. I was a dedicated member of the Amalgamated Meatcutters and Butcher Workmen of North America."

Since that time unions have grown and their members have prospered. Today, the American labor movement and American management are working together to provide jobs for qualified handicapped people.

Also, many servicemen came back from Vietnam with missing limbs and other disabilities. These youngsters deserve the same break we got after World War II and Korea.

They will have problems, but problems can become opportunities. The President's Committee is proud to join with the AFL-CIO in the solution of job problems of disabled veterans and handicapped civilians, today and tomorrow.

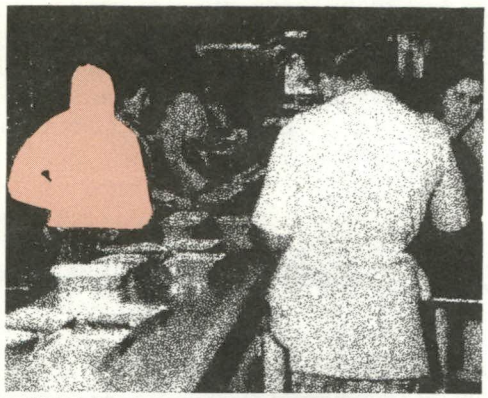
HAROLD RUSSELL

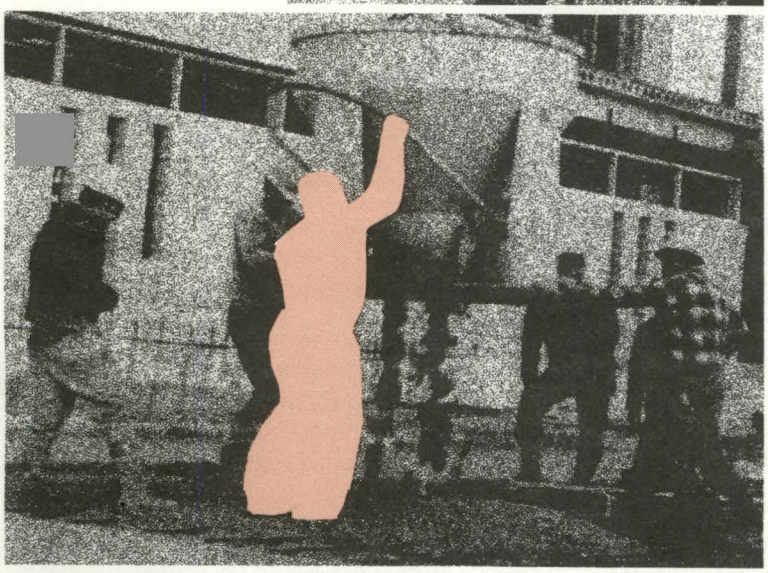


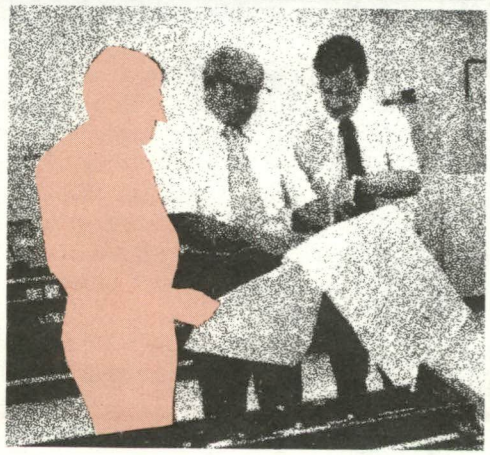
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
815 Sixteenth Street, N.W., Washington, D.C. 20006
GEORGE MEANY, *President*
LANE KIRKLAND, *Secretary-Treasurer*

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Job Opportunities for the Handicapped







The effort to provide opportunity for the handicapped in the American workforce shows considerable progress in the past 30 years. Vocational rehabilitation has made gains both in terms of handicapped people served and in terms of advances in rehabilitation techniques.

Defining rehabilitation as a job—a person isn't rehabilitated until employed—the progress has been steady. From just a few thousand in 1947, the number of rehabilitants moved up to 100,000 in 1956, to 200,000 in 1966 and 300,000 currently. But those numbers don't answer all the questions about opportunities regardless of the severity of the handicap or how the nation is faring in overcoming inequities.

Unions have played a key part in the process—by striving for full employment which would assure more job choices for handicapped workers; by encouraging employee acceptance of handicapped people coming to work; by involving themselves in such voluntary activities as state and local committees on employment of the handicapped.

Techniques of rehabilitation have been remarkable, drawing on space technology, electronics, psychological motivation and the like. There are reading machines for the blind, electronic wheelchairs for the paralyzed and machines that convert words into print for the deaf. Many unions have been engaged in innovative methods of helping handicapped workers. One union has developed a system of using workers themselves as "therapists" in helping others with emotional troubles.

Prejudice against handicapped workers has declined—not for all the handicapped but for some categories such as amputees, the mentally retarded, the hard of hearing and the visually limited. Affirmative action programs (Sec. 503 and 504) have helped put more handicapped people to work.

More companies and industries have been adopting positive policies regarding employment of handicapped workers. One of the most significant developments has been that handicapped people have been organizing into groups, speaking out in behalf of their rights, demanding their full measure of equality and promoting legislation—local, state and federal—to reinforce their rights.

But there is another side. Promising as the gains have been, the handicapped have not fared as well as the non-handicapped.

A U.S. census sampling disclosed that there were 11,265,000 handicapped adults—about one in every 11 U.S. adults. Recent estimates show that 3.4 million of them are mentally retarded, 1.5 million each are paralytics, epileptics or have heart problems, 1 million are arthritics, 900,000 deaf, 700,000 blind, 500,000 have cerebral palsy and 250,000 are amputees.

THIS ARTICLE was prepared by the AFL-CIO Department of Social Security in cooperation with the President's Committee on Employment of the Handicapped.

Chances at rehabilitation and the types of jobs they can hold vary widely among those 11 million, but some of the census discoveries apply to all of the handicapped:

- They had less schooling than the non-handicapped. For example, 14 percent more handicapped than non-handicapped never got past the eighth grade.
- They had lower earnings than the non-handicapped. Sixteen percent more handicapped than non-handicapped had earnings that never got above $2,000 a year. And 7 percent fewer handicapped than non-handicapped had earnings that were above $7,000 a year.
- Far fewer handicapped than non-handicapped were in the labor force (working or actively looking for work). Fifty-nine percent of all adults were in the labor force in 1970 compared to 42 percent of handicapped adults.

That gap—between 59 percent and 42 percent—represents people not working for reasons having to do with their disabilities. Some couldn't handle environmental barriers; others were discouraged by endless rebuffs; others had no marketable skills. Perhaps with higher rates of national employment, and with greater national effort at eliminating environmental and attitudinal barriers, many of these would be encouraged to enter the labor market.

While some handicapped persons experienced a warming up of public attitudes toward them, many others did not. Those with stigmatic conditions such as epilepsy and mental illness still experienced trouble finding work; many tried to hide their disabilities. So did those with degenerative physical conditions such as multiple sclerosis or muscular dystrophy. And so did those with disabilities impeding communication—the blind and the deaf.

Some employers still insisted on requiring pre-employment medical exams which, unfortunately, screened out all but the most able-bodied.

Adding to all these problems was the recent surge of unemployment in American—which had an unusual effect on handicapped workers. Contrary to expectations, handicapped workers did not lose jobs at any greater rate than others. But the high unemployment rate did slow down the rate of preparation of handicapped people for jobs.

Sheltered workshops, where so many handicapped men and women learn work skills, lost many contracts and had to cut back on training. On-the-job programs in industry, another pathway to jobs, declined.

The kinds of barriers the handicapped have to overcome vary widely:

- A young man in his 30s in Connecticut, is a scientist even though he's severely cerebral palsied and unable to push himself in a wheelchair or feed himself and virtually unable to communicate. He invented a bloodless method of brain surgery with laser beams and helped invent the computerized system of instantaneous airline reservations.
- A man in his 50s in California was an assembler on a production line even though he's blind. But automation came, machines took over and he has been out of work ever since.
- A mentally retarded young lady in Wisconsin edits a newspaper for other retarded people. Her simply written newspaper has worked wonders in encouraging retarded people to give up the shame they feel, accept themselves as people and demand that the world accept them.
- A middle-aged linotype operator in Washington, D.C., cannot speak and cannot hear, but holds his own with the other operators because of his experience and positive attitude on the job. His supervisor learned sign language to communicate with him.
- A woman in a wheelchair has been executive secretary to the head of a television station in the West for many years. At first, each day she had to be lifted up and down several steps; she had to eat at her desk because she couldn't get out of the building. But a ramp was built, and she can now come and go.

The unemployment problem of handicapped workers must be considered within the broader context of the unemployment problem of the entire country.

In late 1973 the Rehabilitation Act, strongly supported by organized labor, introduced a new philosophy of hiring handicapped people in America. It extended the concept of affirmative action to the

A Clear Goal: Jobs for Everyone

Organized labor knows that good health and the ability to work are essential to every wage earner. Illness, accidents and disabilities reduce earning power, threaten economic security and limit opportunities for advancement. Wage earners suffer the direct effect of the disability and their families suffer the consequences.

Organized labor's goal is clear: a job for every American who is able and willing to work. This must include millions of the handicapped who could be gainfully employed at decent wages.

Organized labor's leadership is essential for meeting the needs of handicapped union members and of all America's handicapped citizens. Therefore, the AFL-CIO urges its affiliates and state and local central bodies to support and participate in the work of the industry-labor council in efforts for a successful White House Conference on Handicapped Individuals.

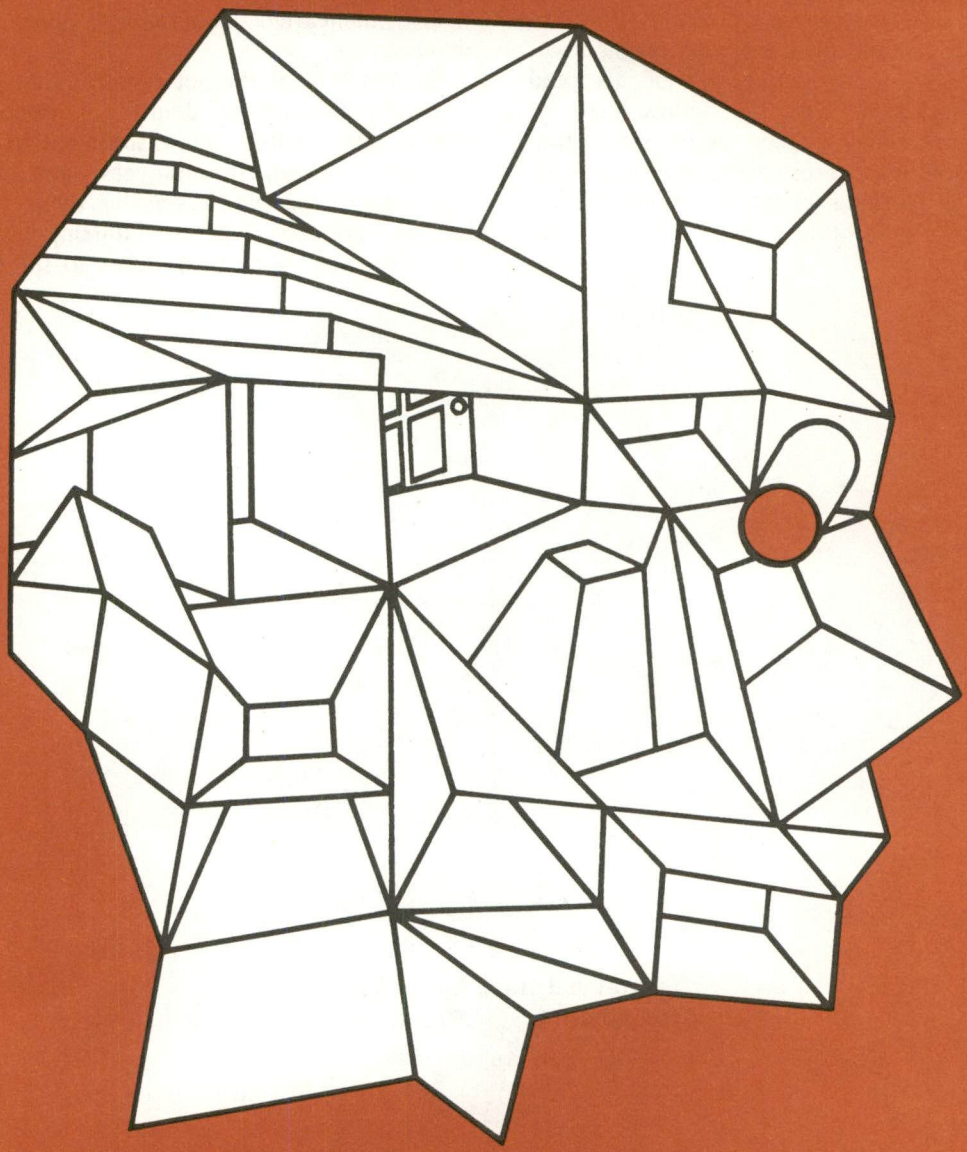
—from AFL-CIO Executive Council statement, February 1977

handicapped. Section 503 of the law states that firms holding government contracts must do more than merely open their doors to handicapped people; it applies to promotions and upgrading and other employment problems. It requires outreach efforts to seek out qualified handicapped people; promotional efforts to make sure these people will be accepted by their supervisors as well as their fellow workers; efforts at making reasonable accommodations so that handicapped people won't face insurmountable roadblocks; efforts at learning about the potentials of handicapped people rather than concentrating on their shortcomings.

The U.S. Department of Labor has issued regulations on Section 503. But if the law is to work as Congress intended, it will require more than a set of well-written regulations. It will require the active, wholehearted cooperative support of labor and management.

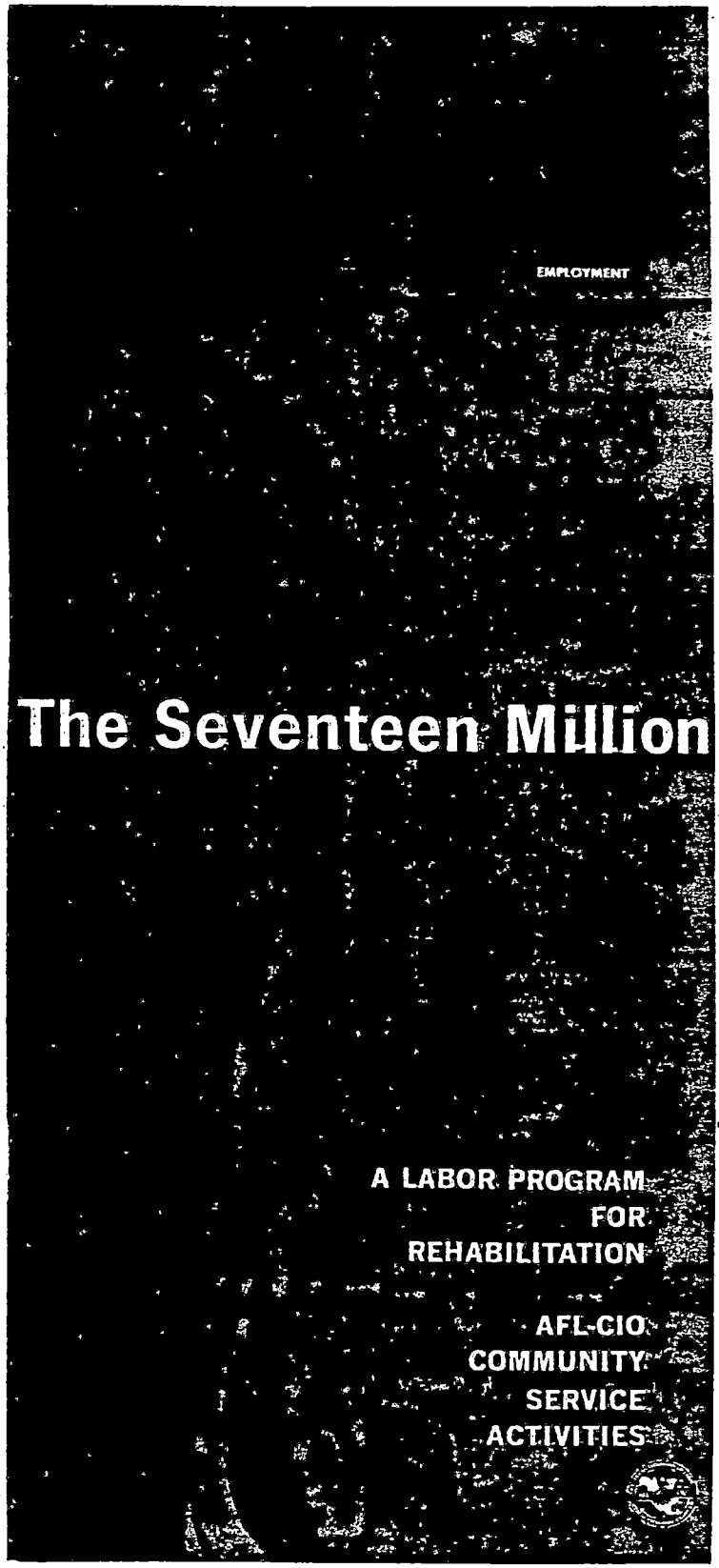
Section 504 of the act requires that organizations receiving government grants (as opposed to contracts) must adopt non-discrimination policies regarding handicapped employees—and also regarding handicapped people served by these organizations. Schools, colleges, hospitals, nursing homes and the like must now open their doors to the handicapped.

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THE AFL-CIO AMERICAN
Federationist


EMPLOYMENT
The Seventeen Million
A LABOR PROGRAM
FOR
REHABILITATION
AFL-CIO
COMMUNITY
SERVICE
ACTIVITIES

The Seventeen Million

Who among us is not handicapped?
Who has not envied the abilities
and skills of others?
Who has not felt, at one time or another,
a sense of inadequacy?
Such feelings are more than a passing mood for seventeen million Americans who are physically disabled. Over half could profit from some form of rehabilitation.
But most of them may never get it.
It is not because their disabilities are so serious.
It is not because they want to remain helpless.
It is not for lack of medical skill and knowledge.
This tragic waste of human resources continues simply because people do not know enough about the problem of disability.
The slogans are familiar—"Hire the handicapped. It's good business."—"It's ability, not disability, that counts," etc.
But these slogans and statistics are merely shorthand descriptions of human suffering. They will not help us to understand either the problem of disability or the promise of rehabilitation.

What is

TOTAL DISABILITY?

The ability to work is still measured in terms of a medical concept first fashioned at the turn of the century—"anatomic perfection." According to this view, a man is either fit or unfit depending upon whether or not he is physically "whole."

Today, thanks to new advances in rehabilitation medicine, we know that a man can function with one-half of one lung, one-third of one kidney, 1/64th of a liver, one-half the normal volume of blood, and with no stomach! It is also an established fact that few individuals use more than one-quarter of their physical capacities in their work and daily living.

Viewed in this light, what is "total disability?"

Actually, there are some cases in which the individual is almost completely helpless. But even these, it has been found, can be restored to some measure of independence, such as taking care of their own physical needs.

Unfortunately, public understanding has not yet caught up with medical science. It is in the area of vocational disability that the problem is most acute. The Bureau of Labor Statistics estimates that there may be as many as six million persons of working age who have serious disabilities which create difficulties in getting jobs.



The Office of Vocational Rehabilitation says there are about two million physically disabled men and women who require vocational rehabilitation.

There are three reasons why these people are not getting rehabilitation services: 1) Many of the disabled do not know that such services are available. 2) Individual states do not provide the "matching money" to implement the federal program. 3) The necessary medical and vocational facilities are not available.

But all of these reasons can be grouped under one big reason—lack of public support.

The basis for hope

The science of restoring the physically disabled has developed to the point where it is now a recognized medical specialty called "physical medicine and rehabilitation." It made its greatest strides during and after World War II in treating combat injuries. Physicians with this specialty stress the importance of early introduction of rehabilitation procedures.

The new concept of rehabilitation provides, in addition to medical care, a broad range of specialized services. These include: psychiatric and psychological services to determine the extent of mental and emotional "injury" and to measure abilities and potentialities; social services to help the patient work out family and community problems; and vocational services, to determine vocational liabilities and assets and to provide training for the highest possible level of employment.

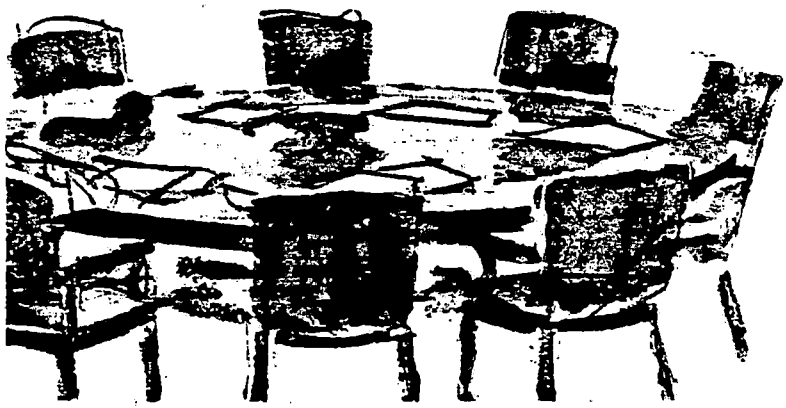
But even the best professional care, it has been found, is useless if, at its completion, the disabled person must go out into a community which does not understand his problem or is indifferent to it.

The handicapped can be helped, but only with community understanding and support. Trade unionists can do their share in three ways: 1) By recognizing the handicapped person's desire to be independent. 2) By believing the handicapped person, in most cases, can be helped to achieve some measure of independence. 3) By making sure the community has the skilled professional help and the facilities required for comprehensive rehabilitation.

The foundation for a nationwide program of comprehensive rehabilitation already exists. The federal Office of Vocational Rehabilitation carries on a program which is now serving a quarter-million persons. The Veterans' Administration provides a wide range of health and rehabilitation services for 22 million veterans. And there are thousands of local voluntary rehabilitation facilities, including sheltered workshops and rehabilitation units in hospitals.

But much more is needed and organized labor has a significant contribution to make toward the goal. As AFL-CIO President George Meany expressed it:

"We look upon the handicapped workers just as we look upon any other group that suffers from prejudice, discrimination and inadequate opportunity. We want to help them win their full status as productive citizens."



Labor's Stake

Organized labor has played a vital role in the development and improvement of rehabilitation services. Having supported earlier cash benefit programs for the disabled, labor recognized the importance of making rehabilitation an integral part of these programs and has since pushed for its inclusion.

Labor has expressed its concern for the handicapped through its effective representation on the President's Committee on Employment of the Physically Handicapped and on state advisory committees.

And, finally, organized labor has made impressive contributions, both of time and money, toward the establishment of local rehabilitation centers.

Now, the AFL-CIO Executive Council has called for establishment of a "Labor Program for Rehabilitation," to be developed by AFL-CIO Community Service Activities. The program will involve the AFL-CIO membership at all levels in a concerted effort to improve our nation's rehabilitation services.

The Labor Program for Rehabilitation includes these suggested steps for local central bodies and their Community Services Committees:

a labor program for

Rehabilitation

1) **Informing union members**—The best way to do this is through the Community Services' union counselling program. "Comprehensive Rehabilitation" should be included in all union counselling classes. If this is not possible, special courses in rehabilitation can be developed for specific interested groups.

2) **Working with community groups**—Union members and officers should: serve on the boards and committees of rehabilitation organizations; attend workshops and meetings on rehabilitation; and visit rehabilitation facilities. Local unions, city and state bodies can render an important community service by taking an active part in efforts to develop "Citizen's Advisory Councils" which will extend the community, state, and national rehabilitation efforts. The needs are many and varied and labor's help and counsel are badly needed.

3) **Determining needs**—Labor, in cooperation with industry, government and a wide variety of community groups, should determine the rehabilitation needs and resources, and plan the development of adequate facilities and services. Here are some of the factors to be considered in making a community survey:

a) WORKMEN'S COMPENSATION LAWS—Do they stress the importance of rehabilitation?

b) MEDICAL FACILITIES — These will include Medical Rehabilitation Centers staffed by specialists in Physical Medicine and Rehabilitation in hospitals and medical schools and Single Disability Centers, such as speech and hearing clinics, cardiac evaluation units, centers for epileptics and the blind.

c) UNION HEALTH PROGRAMS—Do they include rehabilitation services as part of overall medical care?

d) SHELTERED WORKSHOPS—Through its knowledge of work standards and working conditions, organized labor can make a unique and important contribution to these shops for disabled workers. This may involve establishment of new workshops, improvement of existing ones, or support of legislation affecting workshops.

e) INFORMATION AND REFERRAL—Local central bodies should promote establishment of central information and referral services to which union counsellors, and others, can direct individuals seeking rehabilitation services.

f) COMPREHENSIVE REHABILITATION—The modern concept of rehabilitation takes into account the mental and emotional, social and spiritual factors, as well as the vocational. Labor should identify the need for psychiatric, psychological, social, and recreational services and assist in mobilizing community resources to meet such needs.



How local rehabilitation units can work with labor

Local rehabilitation organizations interested in getting labor's support for their activities should:

1) Contact the president of the local central labor body to obtain official labor representation on boards and committees.

2) Acquaint the AFL-CIO Community Services Committee with their programs and activities and explore possible areas of cooperation.

3) Designate a particular staff member whom union representatives can contact should they have any referral problems or questions.

4) Consider the possibilities of demonstration projects which might promote labor-rehabilitation cooperation in serving disabled persons.

5) Respond, whenever possible, to requests for help in the development of rehabilitation content of union training programs and make available rehabilitation workers who can serve as consultants, speakers, etc.

6) Invite labor representation on community committees sponsored by the council of social agencies or similar groups.





American Federation of Labor and
Congress of Industrial Organizations

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AFL-CIO Publication No. 119

SUGGESTED TRAINING ACTIVITIES FOR SUBJECT MATTER DELIVERY

The purpose of the following exercise is to determine what rehabilitation and unions together can do to solve the problems of the disabled worker.

Case Studies for Individual or Group Exercise

Four different case studies have been provided which can be distributed for individual or group analysis.

Instructions:

1. Individually (or as a group), read the case studies.
2. Brainstorm what could be done to achieve meaningful employment for the worker. Make a list of the group's responses.
3. Review the list of responses and organize these into a step-by-step process in the order of occurrence; add, delete, modify or change items as necessary.
4. Identify who in rehabilitation and in the union should carry out the components of the step-by-step process.
5. When in groups, select a reporter. The reporter will present the results of the small group work, as follows:

   . the step-by-step process used for solving the group's problem
   . the vocational rehabilitation specialist's role
   . the organized labor representative's role

The leader should hold an open discussion on the similarities and differences between the case studies.

Key Point--Although all services are client-centered, the mechanism or procedures that have been advocated require a good relationship between rehabilitation agencies and unions. Some elements in the case procedures may be quite simple to enact.

NOTE: Do not include the "possible responses" when distributing the case studies to the group. This information is for the leader to use as cues or guides during the report-out activity.

CASE #1

Description: A union member is injured in a recreational boating accident and has lost the use of his legs. He is recuperating in the hospital and is eager to return to work as a drill press operator.

Question to be answered: What can vocational rehabilitation and organized labor do, working together, to return this worker to his old job?

Note to the leader: This is a list of possible responses.

- .hold job open for the worker while recuperating
- .retraining
- .re-evaluation of skills
- .learn more about his disability
- .learn more about what others have done with similar disabilities
- .get proper services (medical, psychological, etc.)
- .visit handicapped people doing same job
- .modification of worksite, hours, scheduling, etc.
- .gain management support for retraining
- .coordinate similar benefits from company, health plan, union and vocational rehabilitation
- .provide services to the family
- .evaluate the worksite
- .on-the-job retraining

CASE #2

Description: A deaf individual with some skills and experience as an electrician's helper wants to gain a permanent full-time position. He has recently been accepted for vocational training services.

Question to be answered: What can vocational rehabilitation and organized labor do, working together, to get this person into a union job?

Note to the leader: This is a list of possible responses.

- .identify job market
- .identify sponsor for pre-apprenticeship programs
- .identify sponsor for training programs
- .identify apprenticeship subsidies for employers
- .skill evaluation--union standards of competency
- .union gives entre to employers of VR professional
- .awareness programs for union members/union officials

CASE #3

Description: A union member has mild cerebral palsy with speech difficulties. She has been a junior computer programmer for three years after completing a training course. She was placed by VR and has good skills and a good working relationship with her co-workers and has been seeking a promotion to senior programmer for some time.

Question to be answered: What can vocational rehabilitation and organized labor do, working together, to get this person promoted to the position for which she is qualified?

Note to the leader: This is a list of possible responses.

- .additional skill training
- .follow-up with supervisor
- .evaluation of situation--why she is not being promoted
- .sponsorship of continuing education
- .evaluation of other jobs the disabled person could apply for with the company
- .if promotion is difficult within the present situation, possible placement with other companies--aid in arranging transportation/moving
- .worksite evaluation of job aspired to
- .aid with modification and/or job restructuring

CASE #4

Description: Five years ago this individual was a union truck driver. Glaucoma took enough of his sight away so that he could no longer drive for a living. Over the years, he's held many menial jobs and for the past two years he has been unemployed.

Question to be answered: What can vocational rehabilitation and organized labor do, working together, to locate this person and get him meaningfully employed?

Note to the leader: This is a list of possible responses.

- .general VR-union case finding program
- .standardize case evaluation process--"Were you ever a union member?"
- .local union business agents/shop stewards are polled--Do they know the individual, where is he, etc.?
- .management hiring process--"Were you ever a union member?"
- .poll union membership

SUMMARY

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This manual has presented the reader with recommendations regarding the means by which rehabilitation and unions can work toward a common goal. Suggestions have been offered encouraging rehabilitation professionals to enlist unions in maintaining workers with disabilities at their jobs, and in rehabilitating and returning to the work force those who have withdrawn from it due to a disability. It has also suggested ways in which labor can promote job opportunities for persons with disabilities who are presently unemployed, including some who have never been employed. Recommendations were provided for unions to offer assistance to persons with disabilities in such matters as insurance, medical and social services, and legislative activity.

Although many groups and organizations are concerned with the problems confronting persons with disabilities, none can solve these problems alone. Throughout the manual, suggestions have been given to show how labor can work cooperatively with rehabilitation. A final purpose of the guide, is to present information reflecting labor's past and present involvement in rehabilitation and affimative action for persons with disabilities.

Prepare a brief summary that covers all the key points made throughout the training program.

or

Hold a large group discussion at which time the material can be summarized by both the facilitator and group members.

Key Point--It is important to have participants realize that "Working with Unions" is feasible and should not be avoided. Through education, participants will gain a greater understanding of the role of organized labor in the employer-rehabilitation relationship. In any time of fiscal uncertainty, it is the obligation of rehabilitation professionals to tap all resources available. The unions have been largely untapped up to now.

APPENDICES

APPENDIX A

A Bibliography of Previous Labor Programs in Rehabilitation and Affirmative Action

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Humza, A.J. The role of labor, management, a university and a public vocational rehabilitation agency in serving disabled, disadvantaged workers. Trenton, NJ: New Jersey Rehabilitation Commission, June 1971.

Locker, B. Rehabilitation and labor health services--guidelines for action. Washington, DC: The National Institute on Rehabilitation and Labor Health Services, Office of Vocational Rehabilitation, U.S. Department of Health, Education, and Welfare, January 1960.

United Mine Workers of America Welfare and Retirement Fund. Rehabilitation of the disabled. Washington, DC: Author, n.d.

Waters, G.R., Sr., Gehan, J.H., & Barnette, R.A. Final report: Demonstration of a union-based selective placement program for disabled workers. New York: New York City Central Labor Council, AFL-CIO, June 1970.

Waters, G.R., Sr., Barry, M., & Barnette, R.A. Final report: Demonstration of labor rehabilitation liaison service. New York: New York City Central Labor Council, AFL-CIO, October 1968.

Weiner, H.J., Akabas, S.H., Brand, M., & Grynbaum, B. Demand for rehabilitation in a labor population. Part two: Action program. New York: Sidney Hillman Health Center of New York, 1966

Weiner, H.J., Akabas, S.H., & Grynbaum, B. Demand for rehabilitation in a labor union population. Part one: Research report. New York: Sidney Hillman Health Center of New York, 1964.

Weiner, H.J., Akabas, S.H., & Sommer, J.H. Mental health care in the world of work. New York: Association Press, 1973.

APPENDIX B

Sources to Contact for Additional Information on Labor's Current Involvement in Rehabilitation and Affirmative Action

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AFL-CIO Human Resources Development Institute
815 16th Street, NW
Washington, DC 20006

AFL-CIO Department of Social Security
815 16th Street, N.W.
Washington, DC 20006

AFL-CIO Department of Community Services
815 16th Street, N.W.
Washington, DC 20006

Industry-Labor Council
National Center on Employment of the Handicapped
Human Resources Center
I.U. Willets Road
Albertson, NY 11507

Regional Rehabilitation Research Institute
Industrial Social Welfare Center
Columbia University School of Social Work
622 West 113th Street
New York, NY 10025

Editor, Labor and Handicapped People Newsletter
The President's Committee on Employment of the Handicapped
1111 20th Street, NW
Washington, DC 20210

Social Services Department
Amalgamated Clothing and Textile Workers Union
770 Broadway--13th Floor
New York, NY 10003

APPENDIX C

Material Available from the New York State School of Industrial and Labor Relations, Cornell University, Ithaca, New York

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Cook, A.H. Labor's role in community affairs. ILR Bulletin No. 32, 1955, 64 pages, $.35

Korn, R. A union and its retired workers: A case study of the UAW. Key Issues No. 21, 1976, 60 pages, $3.00

Nash, A. The union steward: Duties, rights and status. Key Issues No. 22, 1977, 64 pages, $3.00

Neufeld, M.F. A representative bibliography of American labor history. ILR Bibliography No. 6, 1964, 160 pages, $1.50

Richardson, R.C. American labor unions: An outline of growth and structure. ILR Bulletin No. 30, 1970, 2nd ed., 24 pages, $.75

Seidman, J. Democracy in the labor movement. ILR Bulletin No. 39, 1970, 92 pages, $2.00

APPENDIX D

Films Available from the Amalgamated Clothing and Textile Workers Union, AFL-CIO, Education Department, 15 Union Square, New York, New York

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POLITICAL ACTION

Labor's Witness--At a Congressional hearing on campaign expenditures, the late Walter Reuther did a fine job in defending labor's right to take part in politics. 33 minutes.

Before The Mountain Was Moved--Strip mining began in West Virginia in 1942. By 1966, the time the events in the film began, it was realized that steps would have to be taken to regulate stripping in order to save the state's great natural beauty. This film tells the story of how the citizens of Raleigh County, led by a 65-year-old retired miner suffering from black lung, fought against unscrupulous strip miners whose practices threatened their way of life. 58 minutes. Color.

LABOR UNIONS

Union History:

The Inheritance--Produced by ACWA for its 50th Anniversary Convention (1964), this exciting award-winning documentary is a tribute to the clothing workers and the millions of immigrants who came to this country in search of freedom and security. 58 minutes. (A 37-minute version is also available.)

Day Care Center (WTTW-Chicago)--A look at the model day care center for children of union members established by the ACWA Chicago Joint Board. The Center, which can accommodate sixty children, brings a full range of health, education, and social services to children from three- to six-years old at no cost to the union member.

Organizing Campaigns:

Like a Beautiful Child--This film is a dramatic history of the hospital workers' union. It shows how hospital workers in New York, mostly Black and Puerto Rican, with the help of civil rights and labor groups, won their fight for union recognition, benefits, and significant wage increases to raise them from the ranks of the working poor. 26 minutes.

Decision at Delano--The Farm Workers' struggle, still being waged on the West Coast, is the subject of this brilliant documentary. From 1965, the farm workers in the fabled "Grapes of Wrath" country, California's San Joaquin Valley, fought with the grape growers for union recognition, wage increases and other benefits. The outcome of their struggle affected not only the Delano Strikers, but farm workers across the nation. 27 minutes.

Contract, Contract--Story of the struggle of Oneita Knitting Mill Workers, who fought for a contract fourteen months after they won the representation election at the South Carolina textile plant. Workers tell what the union means to them in terms of human dignity, job security, wages and fringe benefits and what they learned when black and white workers joined together to fight for a union. 25 minutes.

Union at Work:

Union and the Community--Step by step formation of a union community services committee which helps members get jobs, collect social security benefits and find the right social welfare agency in time of need. 20 minutes.

Local 100--Basic steps in organizing a factory shown through a warm human interest film. 30 minutes.

THE UNITED STATES: PROBLEMS AND PROGRESS

Environment:

Little Man, Big City--Delightful cartoon which graphically shows effect of air, water, and noise pollution on the individual and goes on to suggest answers. 10 minutes. Color.

Pollution--A satiric song about pollution by Tom Lehrer, illustrated by shocking pictures of pollution of our air and water. 2 1/2 minutes.

The River--Makes good arguments for regional planning, conservation, and government action on rural problems, such as the floods in the Mississippi Valley. 30 minutes.

Poverty:

Hunger in America--This CBS-TV special, now-dated, dramatized the shocking report of Citizens Board of Inquiry into Hunger and Malnutrition with portraits of Navajo Indians, Black and white sharecroppers, and Mexican-American migrant workers. It focused on the devasting effects of hunger on children. 54 minutes.

Appalachia: Rich Land, Poor People--A hard-hitting film about Appalachia which contrasts the poverty of people with the wealth of the coal owners. The film centers on one family. The father is a 36-year-old ex-coal miner who lost his job when the company automated. This TV documentary emphasizes the system that produced his problems and those of depressed coal towns.

Housing and Education:

The City--Outstanding documentary on the problems of city planning and slum clearance in this country. 33 minutes.

Burden of Truth--The story of a young Negro couple's attempt to break down the racial barriers in housing. Flashbacks provide scenes from the couple's youth and their college experience. The picture ends as it began with a mob gathered outside the house. 68 minutes.

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HUMAN RESOURCES CENTER: AN OVERVIEW

HUMAN RESOURCES CENTER is a private nonprofit organization dedicated to providing educational, vocational, social, and recreational opportunities for severely disabled children and adults. The Center's broad spectrum of programs encompasses job training and placement, academic and vocational education, independent living, research, and information dissemination. Founded in 1952 by Dr. Henry Viscardi, Jr., HUMAN RESOURCES CENTER is today composed of Abilities Inc., Human Resources School, the Research and Training Institute, and the national Center on Employment of the Handicapped located on our campus.

ABILITIES INC. This original unit of Human Resources Center conducts programs of work evaluation, training, job development, and career placement for disabled adults. Its work center demonstrates the capabilities of disabled workers to function in an industrial environment. Fields of employment include banking, data processing, electronics, telephony, and other clerical and industrial operations.

HUMAN RESOURCES SCHOOL A specially adapted facility, the School offers tuition free education to over 200 severely disabled children. Chartered by the Board of Regents of the State of New York, it provides a full academic curriculum and extracurricular program to previously homebound children from infancy through high school level, as well as a summer educational and recreational program.

THE RESEARCH AND TRAINING INSTITUTE This unit conducts long range studies in the career preparation process for severely disabled individuals, initiates and develops demonstration projects in rehabilitation and professional training, and disseminates information aimed at enhancing the employability and quality of life of persons with disabilities.

THE NATIONAL CENTER ON EMPLOYMENT OF THE HANDICAPPED Established in 1977, the national Center on Employment of the Handicapped assists communities across the nation by bringing together labor, industry and rehabilitation forces to develop employment opportunities for disabled Americans. In addition, the employers receive assistance in their efforts to employ the handicapped. The nucleus of this national Center is the Industry-Labor Council, an outgrowth of the White House Conference on Handicapped Individuals.

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HUMAN RESOURCES CENTER
PUBLICATIONS

Project PREP Publications

Affirmative Action in Action: Strategies for Enhancing Employment Prospects of Qualified Handicapped Individuals, by H. McCarthy and L. Smart.	$2.60*
Attitudes Toward Persons with Disabilities: A Compendium of Related Literature, by J. Schroedel.	$8.25**
Career Education for Physically Disabled Students: A Bibliography, by M. Stieglitz and J. Cohen.	$11.25*
Career Education for Physically Disabled Students: Career Awareness Curriculum (K-8), by M. Stieglitz. (Available April 1981)	+
Career Education for Physically Disabled Students: Classroom Business Ventures, by J. Cohen and M. Stieglitz.	+
Career Education for Physically Disabled Students: Development as a Lifetime Activity, by J.T. Palmer.	+
Career Education for Physically Disabled Students: Self-Concept Curriculum (K-8), by M. Stieglitz. (Available May 1981)	+
Career Education for Physically Disabled Students: Speakers' Bureau, by M. Stieglitz and J. Cohen.	+
A Compendium of Placement-Related Literature, by D. Vandergoot, P.B. Avellani, and R.J. Jacobsen.	$9.25**
Employer Attitudes Towards Hiring Persons with Disabilities: A Labor Market Research Model, by J. Schroedel and R.J. Jacobsen.	$4.75*

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***Please add 75¢ for postage and handling per set.

****Please add $20.00 for postage and handling per set.

+Price not available at press time of this publication.

A Handbook of Placement Assessment Resources, by J. Swirsky and D. Vandergoot. +

Modifying the Work Environment for the Physically Challenged: A Checklist for Employers, by M.G. Desmond. (Available April 1981) +

Modifying the Work Environment for the Physically Disabled Employee. Part One: Modifying the Office Work Environment for the Physically Disabled Employee, by V. Washam. (Available March 1981)
Part Two: Modifying the Industrial Work Environment for the Physically Disabled Employee, by M.G. Desmond. (Available August 1981) +

New Directions for Placement-Related Research and Practice in the Rehabilitation Process, by D. Vandergoot, R.J. Jacobsen, and J.D. Worrall. $2.75*

Recruiting Qualified Disabled Workers: An Employer's Directory to Placement Services in the Greater New York Area, compiled by L. Smart. (Available March 1981) +

A Review of Placement Services within a Comprehensive Rehabilitation Framework: A Survey Report, by R.J. Jacobsen, D. Vandergoot, P.B. Avellani, and J. Swirsky. $5.50*

A Review of Placement Services within a Comprehensive Rehabilitation Framework: A Technical Report, by D. Vandergoot, J. Swirsky, R.J. Jacobsen, and P.B. Avellani. $11.25*

Work Independence and the Severely Disabled: A Bibliography, by G. Bilotto and V. Washam. +

Human Resources Center Monographs

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The students enter the building through adapted doors that automatically swing wide to welcome them. We are permitted to see

them at work in creative arts and math classrooms, and in science and home economics classrooms with specially adapted equipment. Then, we are taken to see them outdoors at play and indoors in the fully adapted swimming pool. Every step of the way, the students are carefully guided toward the productivity and independence they all desire.

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Set Your Sights on a Great Life

Through Comprehensive Rehabilitation

Prepared by the AFL-CIO Department of Community Services
in cooperation with the
American Occupational Therapy Association

Promise of a Bright Future

Life for all is a growing process, both physically and mentally. We all need basic skills for survival and fulfillment. At times we can't reach our goals, and may feel frustrated or unhappy. These feelings usually pass and we capitalize on the abilities we do have. We adapt. We move on, with the satisfaction of being involved and productive.

It may happen, though, that we become one of the millions of Americans who are physically or mentally handicapped. Then adapting will not come so easily. That does not mean that we can't adapt. It just means we have to know more about the problems of disability and the promise of rehabilitation.

As George Meany once observed, "We look upon the disabled . . . just as we look upon any other group that suffers from prejudice . . . and inadequate opportunity. We want to help them win their full status as productive citizens."

Rehabilitation holds real promise, for there is a vast store of medical skill and therapeutic services available. If we find out about them now, we'll be better prepared.

This booklet will explore some cases where people faced a serious handicap and worked their way back. Yes, "worked." For the patient is the one who works hardest in any rehabilitation program.



The Rehabilitation Team

Developing a program to return a patient to a productive life is the responsibility of the rehabilitation team. The team includes the physician, the nurse, the occupational therapist, the physical therapist, the speech pathologist and the audiologist — and, most importantly, the patient. Without the patient's involvement, any rehabilitation program will be worthless.

Speech pathologists and audiologists are concerned with correcting speech, language, and hearing disorders, and with the bodily systems that make communication possible.

Both occupational and physical therapists seek to improve muscle strength, range of motion, and physical endurance as well as other human functions. The chief differences lie in the treatment modalities used and in the focus of treatment.

Physical therapists restore function through physical agents — such as light, heat, water, and electricity — which are applied by means of equipment such as

whirlpool baths, ultraviolet and infrared lamps, low-voltage generators, and diathermy and ultrasound machines.

Occupational therapists utilize the active involvement of the patient in specially designed therapeutic activities which, while improving function, also help the patient learn to apply these skills to the demands of daily living. The occupational therapist is also involved in the design, fabrication, and use of rehabilitation devices tailored to individual patients.

A Look at Occupational Therapy

The profession of occupational therapy is concerned with people whose lives have been disrupted by physical injury or accident, birth defects, or developmental, emotional, and aging problems.

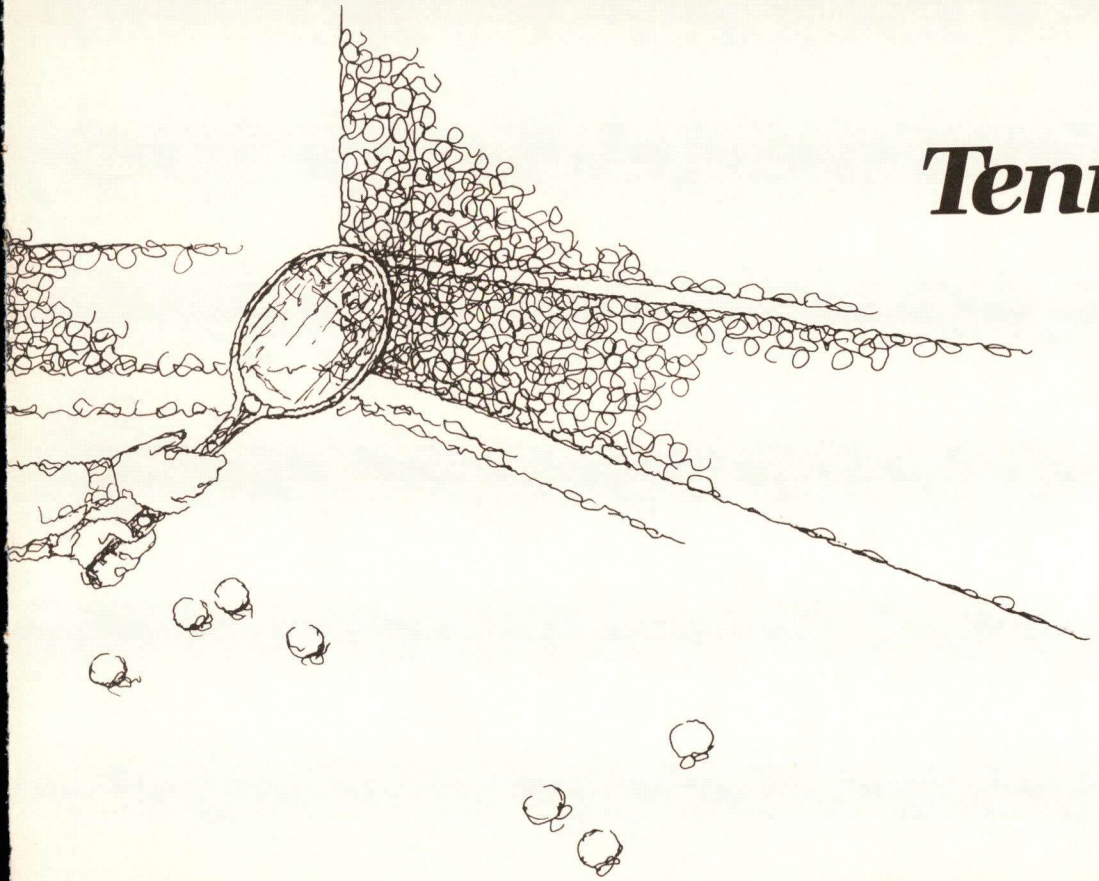
The occupational therapist brings knowledge, experience, and concern to programs designed to help patients regain their well-being and their "occupation." Occupation here is taken in its broadest definition: "Any activity in which a person is engaged; that is, the effort which is absorbing one's time, energy, and attention at any given moment."

Each case is special. Full recovery may not be possible if the impairment is severe. But the patient can compensate by developing skills and using adaptive equipment such as prosthetic devices, modified clothing, and eating devices. In all cases, the occupational therapist encourages patients to make the maximum effort to build upon their strengths and abilities.

Occupational Therapy at Work

One of the most devastating effects of disease or injury is the loss of confidence in one's ability to lead a productive life. Through occupational therapy, however, workers go back to jobs, housewives can care for their homes and families, children are offered the hope of bright futures, and retirees look forward to active, productive years.





Ken, Tennis Anyone?

Grip, step back, swing, hit that ball at the backboard—over and over. Swinging a tennis racket made a lot more sense than just exercises. He loved tennis, and one of the things which really depressed him after his heart attack was the prospect of never playing again.

In fact, he'd been terrified any activity might "do him in." But his occupational therapist and the rehabilitation team made clear that this fear was normal, and led him through a series of stress-tolerance tests to establish a safe level of activity.

That's how the tennis program had come about. It eased Ken's worry about tennis and activity, and provided exercise he needed.

As his strength returned, he became concerned about his job at the post office. He wanted to go back to work. But what if it caused another heart attack?

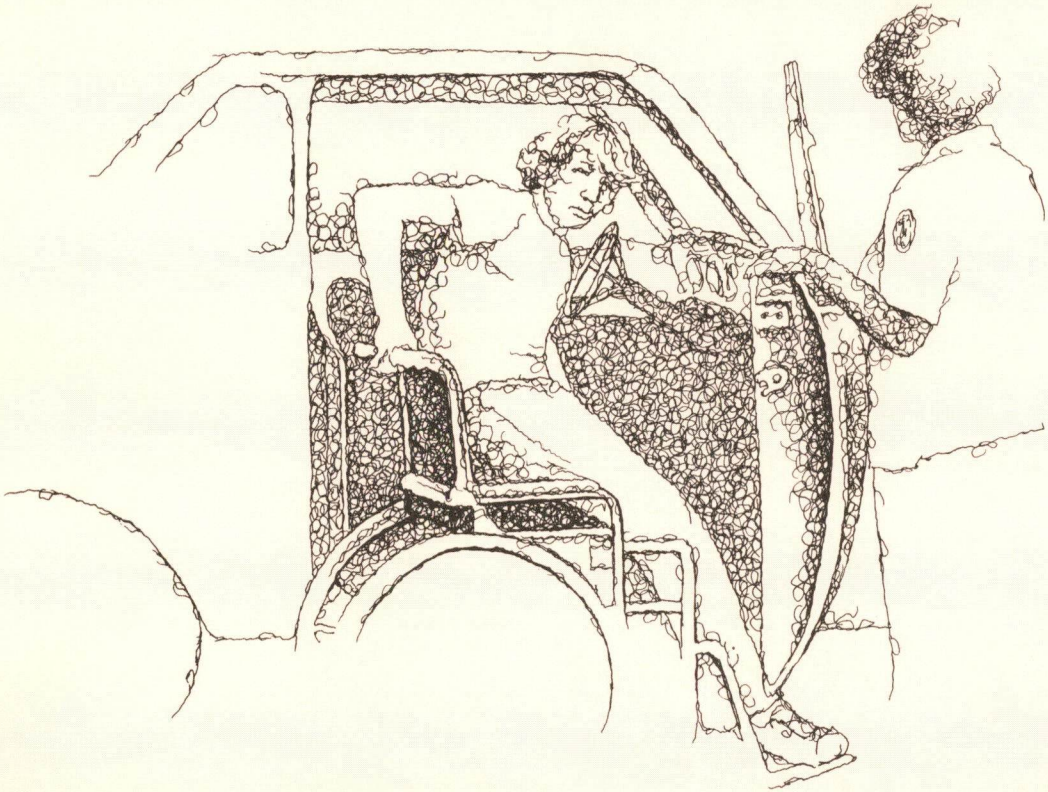
His OT explained that part of his program was an analysis to determine if his work was within his stress limits. If not, the physician might recommend that he be given a light-duty assignment when he returned to work. But if the OT program continued to raise his tolerance level, Ken would probably be deemed eligible, under the Postal Workers' contract, to return to his old job in a few months.

Jerome, Hopeful Teenager

Jerome sat looking out the front window, watching for Linda, due any minute. Not so unusual for a seventeen year-old to be anxiously awaiting the arrival of a girl. But Linda was his occupational therapist, an important part of the team working to get Jerome back in action after the motorcycle accident that had paralyzed his legs.

There had been many times when he felt doomed to being totally useless, to empty days in idleness. To his surprise, Linda promptly designed a program that got him home. Now she was coming daily to work with him on his recovery.

She taught him how to overcome his problems in getting dressed, in transferring him-



self safely from his wheelchair to the toilet or the bathtub or the family car.

And Linda was already exploring his job potential through work evaluation, thinking of his future. At the same time, she helped his mother make home routines both as normal as possible and useful to his recovery.

The physical accomplishments were not the only benefits of the program. Jerome had been bitter and discouraged in the early stages of his recovery. But now, through Linda's efforts, he was optimistic about his future.



Marcia Gets an Early Start

Marcia and Mindy were playing in their living room. The infant twins were the delight of their mother, Joanne, even though adjusting to two babies had been harder when Marcia was diagnosed as having a severe developmental problem. Joanne had suspected something was wrong: Mindy could sit and crawl well before Marcia could. Her pediatrician agreed, and arranged for the twins and Joanne to join a special occupational therapy program at a county clinic. There they worked out remedies for use at home—special games that improved Marcia's reflexes. Joanne soon saw that the OT's assistance and the other mothers' encouragement were the help she needed. And Marcia was catching up.



Frank, Anticipating a New Career

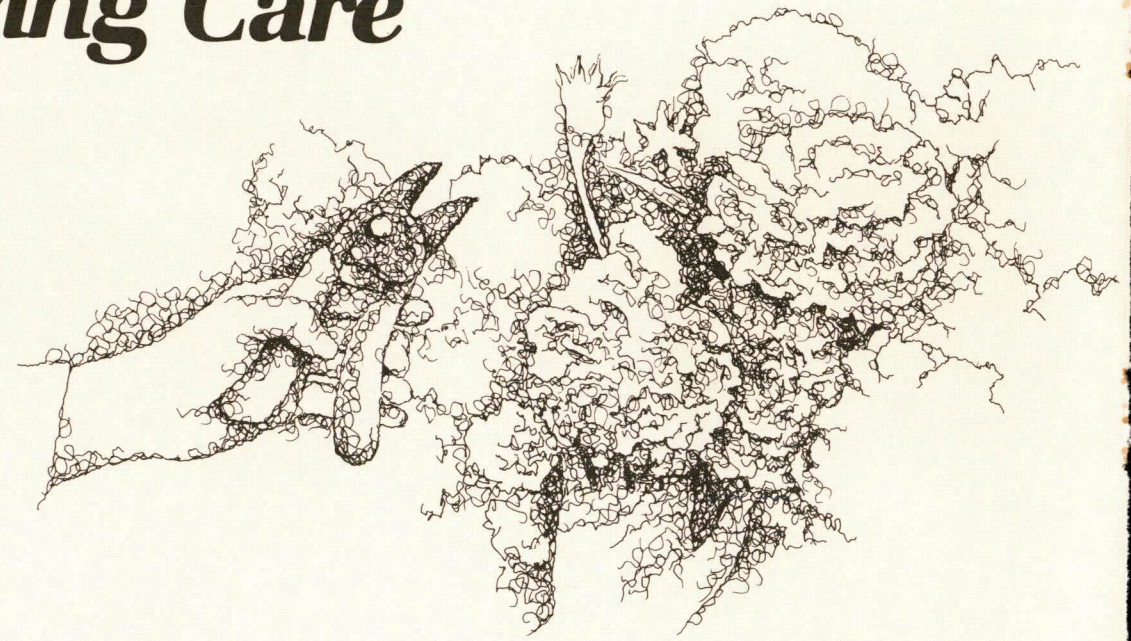
The small greenhouse was almost finished, and Frank was excited. For months he'd pored over supply catalogs, business booklets, and marketing pamphlets, and now he felt confident.

His thoughts ran to his wife, Florence, and her relief over his change in attitude. It all started at his last birthday, when someone had remarked about his having just two more years before he could retire and take it easy. Well, Frank had given hardly any thought to retirement. He was fit, alert, and enjoyed being a crane operator. He wasn't ready to "retire and take it easy" now, or anytime soon.

As the months went by, he became bitter about "having" to retire. And, thinking back, he hated to admit how he'd acted when he learned Florence had talked to a case worker at the mental health clinic.

But now he was glad. The clinic's OT had done a skills/interest assessment — and unearthed his long-forgotten talent for gardening. That had led to the "new" Frank, who was about to start a part-time business growing house plants, and who could hardly wait until he could devote full time to his retirement occupation.

Mrs. Holmes, Tender Loving Care



Mrs. Holmes sat back to admire her roses. They were so beautiful, but they took special care only she was willing to give. A while back, it had begun to look as if she wouldn't be able to care for them. The arthritis in her hands had become so painful she could barely work in the garden, and the simplest household jobs had become almost impossible.

Now, thanks to the joint replacement operation and occupational therapy, she was able to keep up her home and tend the roses she loved.

She chuckled as she thought about her doctor telling her she had "bionic" hands. Oh, the hours she spent with her OT, Irene, who had designed her special gardening

tools with built-up handles. They looked awkward, but kept her fingers in proper position—and were vastly easier to use.



Jim, One Peg at a Time

Jim stared down at his hand. It was still a shock to see only part of his index finger and his thumb. They were all that remained of his

left hand after the power tool he used at the furniture factory had slipped.

His occupational therapist explained that he had to restore the motor link between his brain and his hand. His OT had designed a special splint and activities to rebuild his ability to grab with his thumb and forefinger.

The peg board, just like the ones his kids had played with, became an ingredient of his daily routine. Put the pegs in, take the pegs out, steadily regaining that all important ability to grasp and lift up objects.

Jim felt it would take him a long time to get used to the loss of three and a half fingers. But the OT's encouragement and his rehab program at the hand clinic made him confident he could get back on the job.

Getting on With Life

The thread of these stories is obvious. People helped by occupational therapy can get on with life. It can touch their lives from birth to death.

OTs work with congenital birth defects, seek to prevent disability, evaluate patients' abilities to function, rebuild skills and confidence after accidents and illness, and help people cope with aging. Their work is integral to the rehabilitation process. Their goal is to strengthen the patient's confidence as they restore his or her physical and mental ability to cope with life.



Where OTs Work

The settings for OT programs are as varied as their patients: rehabilitation centers, general and psychiatric hospitals, skilled nursing facilities, mental health centers, outpatient clinics, home care programs, day care centers, and public and private schools. The occupational therapist, registered (OTR) is responsible for evaluating patients, developing program goals, working with patients, and documenting progress. The certified occupational therapy assistant (COTA) is guided by the OTR and assists in both patient evaluation and program implementation.

OTRs and COTAs are professionals. They are graduates of more than 100 colleges and universities throughout the United States.

What OT Can Mean To You

Occupational therapy can mean rehabilitation for you or a relative. The OT's first concern is treating the illness or disability which limits independence and productivity. But, the OT is also concerned with those problems in social relationships, self-esteem, and self-confidence which may result from illness or trauma.

Maybe you don't need occupational therapy today—but you or a friend might need it tomorrow. If you have questions about occupational therapy and how it can help, ask for the pamphlet, "The Occupational Therapist, A Professional Profile" from: The American Occupational Therapy Association, Inc.

For information concerning occupational therapy benefits included in your health coverage, ask your local union representive.



Re

Labor's Interest in habilitation

The AFL-CIO has promoted the development and refinement of rehabilitation services in many ways. We have supported cash benefit programs for the disabled. We've supported projects to integrate disabled workers into the organized labor force. We've made union concerns clear to the President's Committee on Employment of the Handicapped. And we've contributed time and money to rehabilitation programs and agencies in the community. Often these programs have included occupational therapists.

We fully support the comprehensive approach embodied in occupational therapy. Only through "comprehensive rehabilitation" can we realize the promise modern medical technology and national health security hold for Americans — union and non-union alike.

What Can Labor Do?

1. Inform Union Members — A very good way to reach our members is the AFL-CIO-CSA union counselling program. Units on "comprehensive rehabilitation" should be included in union counselling curricula. Where needed, seminars detailing occupational therapy, governmental programs, and community needs should be held.

2. Determine Needs — Together with community groups, business, and government, we should work to determine needs and develop comprehensive rehabilitation services in the community. Doing this means assessing the situation in several areas:

a. Workmen's Compensation — Does your state's law stress rehabilitation over restitution, and provide realistic benefits?

b. Disability Insurance — Do non-profit and commercial insurance policies negotiated locally afford adequate payments for rehabilitative regimens?

c. Union Health Programs — Do they — particularly those organized as Health Maintenance Organizations — offer integrated comprehensive rehabilitation services with their medical care?

d. Medical Facilities — Does the area have both comprehensive rehabilitation centers (in hospitals and medical schools, staffed by physicians, occupational therapists, psychologists, and other specialists) and single disability centers (speech and hearing clinics, cardiopulmonary evaluation units, centers for epileptics, the blind, etc.)?

3. Cooperate with Community Rehabilitation Resources — Mutual assistance is needed. Union representatives should be active on the boards and committees of rehabilitation organizations, and work with human service planning councils for better rehabilitative programs. Likewise, rehabilitation agencies, facilities, and practitioners need to develop relations with AFL-CIO central bodies and AFL-CIO-CSA liaison representatives. They need to establish links for direct referral, consider projects promoting labor/rehabilitation cooperation in service to the handicapped, and serve as resources in the development of topic units in union counselling courses and seminars on comprehensive rehabilitation.

For further information on occupational therapy, contact: American Occupational Therapy Association, 1383 Piccard Drive, Rockville, Maryland, 20850. (301) 948-9626.

For further information on community and union involvement in rehabilitation, contact: AFL-CIO Department of Community Services, 815 16th Street, N.W., Washington, D.C., 20006. (202) 637-5189.

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Reprinted 1980



Collective Bargaining

Democracy on the Job



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1 A System of Government

Collective bargaining was developed over the years as the method for introducing the ways of democracy into employer-employee relationships.

Without collective bargaining, the individual worker has no voice. He is subject to every arbitrary decision the employer makes. Except for a minimum of legal standards, the employer sets hours of labor and level of wages. On all other matters, he is responsible only to himself. He determines production quotas, and when promotions are involved, he can reward his favorites and ignore qualified workers of longer service. If work is slow, he can lay off whomever he chooses. In fact, he can fire a worker for any reason or even for no stated reason. He can be a dictator in his own industrial realm, answerable to no one but himself. Neither democracy nor human dignity have any place in this scheme of things.

The employer may establish himself as one concerned for the welfare of his employees by sending each a turkey for Thanksgiving Day and he may actually be fair and reasonable in his decisions. In a nation, the benevolent dictator, trying to look out for the best interests of his subject, is no substitute for democratic government, and the paternalistic employer is no substitute for democratically structured collective bargaining.

Few people today could take seriously the assertion of George F. Baer, nineteenth century industrialist, that "the rights and interests of the laboring men will be protected and cared for—not by the labor agitators, but by the Christian men to whom God in His infinite wisdom has given the control of property interests of the country."

Confronting this smug paternalism, Theodore Roosevelt commented bluntly, "If I were a factory employee, a workman on the railroads or a wage-earner of any sort, I would undoubtedly join the union of my trade. If I disapproved of its policy, I would join in order to fight that policy; if the union leaders were dishonest, I would join in

order to put them out. I believe in the union and I believe that all men who are benefited by the union are morally bound to help to the extent of their power in the common interests advanced by the union."

Where there is collective bargaining in industry, the individual worker has a voice. He is no longer subject to arbitrary decisions. He shares with other employees and with his employer the responsibility for establishing orderly procedures for determining wages, hours of work, rates of production, promotion and lay-off policies, and just penalties for the violation of necessary work rules.

As a part of a union he has the strength that comes from numbers and through his union he has the ability to hire able staff people—negotiators, lawyers, research specialists, and others who are skilled in the arts of collective bargaining.

As an individual, the worker cannot do these things. If he attempts to bargain on his own behalf with his employer, he soon discovers that it is bargaining between unequals. He may well discover that he is worse off than before, for the employer may tell him, "Well, if you don't want to do the work for the money I pay, I can find others who will be glad to do it for even less!" Only as part of a group does he have the economic strength which permits bargaining with the employer on a basis approaching equality.

Democratic collective bargaining introduces a framework of law and orderly procedures for the settlement of industrial disputes. Without it, the basic law of labor-management relations is "might is right," and "might" in this case belongs entirely to the employer. The difference between an "open" shop and a shop in which collective bargaining takes place is indeed very similar to the difference between the ruthless law of the jungle on the one hand and constitutional government on the other hand.

Neither constitutional government nor collective bargaining were achieved easily. Constitutional governments were usually established only after generations of struggle and conflict, and so it was with collective bargaining.

Collective bargaining developed only in the face of determined efforts on the part of employers to render the unions impotent. The courts, the legislative bodies, and the police forces frequently were enlisted by the employers to resist the efforts of workers to form unions.

2 The Barriers to Justice

Around the beginning of the Nineteenth Century, workers in many trades began to form local unions to engage in collective bargaining with their employers over such matters as wages and hours. Shoemakers, tailors, carpenters, and printers were among the earliest workers to engage in collective bargaining. The employers, determined to resist this intrusion of democracy into their workplaces, turned to the courts and the courts usually proved to be dependable allies.

In 1806 a group of Philadelphia shoemakers who had formed a union were indicted upon charges of unlawful conspiracy. Trial Judge Levy, in his charge to the jury, characterized the shoemakers' union as "pregnant with public mischief and private injury." He declared that under common law wherever two or more persons conspire to do something jointly, even though they are individually entitled to take such action, the public interest is endangered. The shoemakers were found guilty of conspiring to raise wages.

Similar cases were brought before the courts in Pittsburgh, New York, Connecticut, Maryland, and Massachusetts and always the decisions were the same; efforts to organize unions were conspiracies to raise wages, a crime against society.

Workers nevertheless persevered in their efforts to form unions and to engage in collective bargaining with their employers. When the Erie Canal was opened in 1825, twenty unions joined in the parade celebrating the occasion. Bakers, cabinet makers, and dock workers were among those to join the growing list of crafts to form unions. In 1827, unions in Philadelphia had become well enough established to form the first city-wide labor federation, a delegate body consisting of the representatives of fifteen different unions in the city. Other workers established unions in Baltimore, Boston, and even as far west as Ohio.

The first purpose of these early unions was collective bargaining, an effort to win a voice for the workers in determining wages and hours. In addition, however, these early unions demonstrated a lively interest in the general improvement of American society. Among the subjects

which attracted their attention were universal free public education, abolition of imprisonment for debt, and the direct election of all public officials. In these goals, as in their effort at collective bargaining, the unions met firm opposition from the spokesmen for wealth. Labor leaders who supported free public schools were denounced by the New York Commercial Advertiser as men who were "lost to society, to earth and to heaven."

The National Gazette of Philadelphia argued, "Universal, equal education is impossible if trade, manufacturing and manual labor are to be successfully prosecuted."

Unionism grew throughout the 1830's and labor began to turn its attention to the need for a ten hour work day. A group of employers in Boston published a statement deploring the "habits likely to be generated by the indulgence of idleness."

Employers again turned to the courts and found willing allies in their efforts to render the unions ineffective. When a New York Court in 1836 found members of a union of tailors guilty of the old charge of conspiring to raise wages, the poet William Cullen Bryant was moved to write, "They were condemned because they had determined not to work for the wages offered them! Can anything be imagined more abhorrent. If this is not slavery, we have forgotten its definition."

As an illustration of how differently employers were treated by these early courts, workers in Pennsylvania in 1821 sought to apply the doctrine of criminal conspiracy against their employers who combined to reduce the workers' wages. In this case the court held that where "the object to be attained is meritorious, combination is not conspiracy."

It was not until 1842 that the legality of trade unionism was first established by an American court of law in the case of the Commonwealth of Massachusetts vs. Hunt. It was again a group of shoemakers, this time from Boston, who provided the occasion. The charge against the union was again criminal conspiracy, but in this case it was a conspiracy to refuse to work alongside a worker who would not join the union.

The attorney for the shoemakers, Robert Rantoul, Jr., endeavored to show that a combination of men for improvement of economic conditions was not a crime, but that it was actually in the best interests of society. Rantoul asked how these shoemakers differed from professional men who formed organizations. The Medical Association,

he noted, was a combination for the improvement of its members. It had regulations concerning dues and fees and it refused to permit non-members to practice medicine in the community. The Boston Bar of which the presiding judge was a member, Rantoul noted, had rules fixing minimum fees and forbidding members "to advise or consult or be in any manner associated with any non-member attorney."

The jury nevertheless found the Boston shoemakers guilty of criminal conspiracy. The union appealed the verdict to the Appellate Court of Massachusetts and in 1842 Chief Justice Lemuel Shaw rendered a decision directing that the indictment against the defendants be dismissed. "We cannot perceive," Justice Shaw declared, "that it is criminal for men to agree together to exercise their own acknowledged rights in such a manner as best to subserve their own interests."

For the first time, a court had held that workers could legally form a union to engage in collective bargaining as long as they pursued "virtuous ends by virtuous means." During the years that followed, unionism and collective bargaining spread to almost every craft and to a majority of American cities. In many of these cities the local unions had formed city-wide central bodies.



3 Growth of Modern Unions

By the time of the Civil War, several national unions had come into existence, including national organizations of printers, molders, stone cutters, machinists and locomotive engineers.

Important economic considerations led to the development of these national unions. Workers in one city might form a union, engage in collective bargaining, and win good working conditions and then be frustrated by one of two things. In some industries, it was relatively easy to send the work to other cities where working conditions were not as good and where the work might therefore be done cheaper. On the other hand there were industries like house construction in which the work itself could not be moved to another city, but in these industries the good working conditions negotiated by unions frequently attracted workers from other cities, thus resulting in a surplus of labor that made it impossible for the local union to maintain the standards which it had won.

Local unions therefore discovered that if they were to maintain good working conditions in their own cities, it was essential that similarly good working conditions prevail in other cities. National unions were born out of the realization that real collective bargaining cannot take place in any industry if a substantial part of that industry is non-union.

The development of railroads, welding the country together into a more unified whole, speeded up this process and made the development of national unions more urgent. By 1869 there were twenty-four national unions in the nation. In that year there was established the first truly national organization of workers. It was the Knights of Labor, an organization which eventually reached a membership of 700,000.

Like most labor organizations of the time, the Knights were originally a secret society. Since the Commonwealth of Massachusetts vs. Hunt case, employers had been more limited in their ability to use the courts to crush unions and they had

therefore turned to new devices including the use of labor spies and blacklists. As a result, union members seeking work often found that the prospective employer was well informed about their union record and that he would therefore refuse to hire them. Secrecy was the best defense against these tactics and at least in the early years, it became a basic feature of the Knights of Labor.

The tremendous growth of the Knights of Labor is dramatic evidence of the need which American workers continued to feel for collective strength. At first the Knights were primarily concerned with broad political and economic reforms, but eventually economic necessity forced them to engage in strikes and collective bargaining.

The Knights, however, never succeeded in developing an organizational structure that could permit effective collective bargaining, and it was this very failure which led to the formation of the American Federation of Labor. The Federation, established in 1881 as the Federation of Organized Trades and Labor Unions and renamed the American Federation of Labor in 1886, was an organization of national unions including the carpenters, the printers, the iron and steel workers, and the molders. It concentrated its attention upon developing a structure and a program fitted to the necessities of collective bargaining. There was at last a national organization of unions, each capable of bargaining with employers on a basis approximating equality.

Those who are opposed to organized labor have never ceased to regret that economic necessity eventually shaped such a union movement as today exists. Behind the campaigns which occasionally spring up demanding legislation to outlaw the union shop or to outlaw industry-wide bargaining there a nostalgic yearning for a return to "the good old days" when what the carpenters in one place might do had no reference to what the carpenters in another place might do. Those people yearn for a system of industrial relations which never has been effective and which never could be effective.

At no time did the employers slacken their resistance to organized labor. The Knights of Labor and the American Federation of Labor were both ruthlessly opposed. Union workers continued to be plagued by blacklists. After the Homestead steel strike of 1892, strike leaders names were circulated throughout the entire steel industry, and wherever they sought work, they found that

they had been effectively blacklisted. This device became commonplace as a weapon to keep workers from organizing.

Court injunctions nullified the hopes that unions found in the Commonwealth vs. Hunt decision. Employers, in most cases, found it an easy matter to go to court and persuade a friendly judge to issue an injunction preventing workers from organizing, striking, picketing, or even meeting with union officials.

Increasing numbers of workers were required to sign "yellow dog" contracts as a condition of employment. The yellow dog contract is a signed statement by the worker that he is not a member of any union, that he will not join any union while employed in the establishment, and that he will make no effort to induce other employees to join a union. These yellow dog contracts were legally enforceable by the courts, and when a union tried to organize workers who had been forced to sign the contracts, it was subject to court injunction. In this way employers managed to get around the difficulties presented by the Commonwealth vs. Hunt decision holding that it is not illegal to organize a union. These yellow dog contracts remained legally enforceable by the courts until they were finally outlawed by the Norris-LaGuardia Act of 1932.



Industrial spies flourished, infesting union meetings and reporting the proceedings to employers. Such espionage agencies as Pinkerton and Burns provided thousands of spies for employers, paid their union dues, and in many cases even elected them to local union offices. The LaFollette Committee, investigating industrial espionage reported as late as 1937 that its census of working labor spies from 1933 to 1937 totaled 3,871 for the entire period. In its report the Committee declared: "Such a spy system . . . places the employer in the very heart of the union councils from the outset of any organizing effort. News of organizers coming into a town, contacts the organizers make among his employees, the names of employees who join the union, all organization plans, all activities of the union—these are as readily available to the employer as though he

himself were running the union."

Employers hired the services not only of professional labor spies, but professional strikebreakers as well. These strikebreakers operated as efficiently trained and well armed troops whose sole business was industrial warfare.

Perhaps the most deceptive weapon of all against collective bargaining was the "company union." Recognizing the strong desire of workers to form a union, many employers responded by organizing unions which they themselves controlled. Thus the employers were able to create the illusion of collective bargaining, even though it was a collective bargaining in which the employer sat on both sides of the bargaining table. The first employer-dominated union on record was organized in Boston in 1898. The device became increasingly popular among employers, especially in the years following the first World War. In 1928, the peak year of company unionism, more than one and a half million workers were "represented" by company unions.

Yet despite this determined opposition, unionism grew and collective bargaining spread throughout industry. It spread because it fulfilled a critical need on the part of workers. Where there were no unions, to be a worker was often scarcely more than to be a slave. In 1885, for example, the work rules of the Northern Pacific Coal Company stated:

- As the Company has gone to the expense and trouble of establishing a store, butcher shop, and saloon for the accommodation and convenience of its employees, all employees will be expected to patronize these places to the exclusion of all other similar establishments.
- Each employee will be required to keep his house neat and clean, both inside and out.
- Any employee joining any secret labor organization or in any way taking part in any strike . . . will at once be discharged.

Under such rules as these, a worker was responsible to his employer not only for the time that he was on the job, but for his entire life. It was the employer's business what he did in the privacy of his own home or where he went to seek relaxation after he had finished work. Yet exactly such work rules as these were in force in hundreds of mining towns, lumber towns, steel towns, and other company towns.

In these company towns, the employer was an

absolute ruler. He owned the houses in which his workers lived and he owned the business establishments in which they were required to trade. In addition, he also owned the municipal government, the police force, the courts, the churches and, such as they were, the schools.

To workers in such places as these, the promise of unionism was the promise of freedom and dignity. It was the promise of democracy to those who were living and working under conditions of absolute dictatorship. And despite the blacklists and industrial spies, American workers persisted in seeking their freedom through democratic unionism.

The development of orderly and democratic ways of settling industrial disputes was a matter of national interest as much as a matter of interest to the workers immediately involved. Yet it was not until the enactment of the National Industrial Recovery Act and the Wagner Act in the early New Deal days that the acceptance of collective bargaining became a matter of public policy. Previous court decisions and legislative victories had been hailed by union leaders as providing a legal sanction for collective bargaining, but the actual results always proved disappointing. Although the court decision in the Commonwealth vs. Hunt case in 1842 had upheld the legality of unionism, the effects of the decision were soon nullified by court injuctions. AFL leaders believed that the Clayton Act of 1914 was "Labor's Magna Carta." The Clayton Act, declaring that "the labor of a human being is not a commodity," exempted unions from the provisions of the Sherman Anti-Trust Law. But the Clayton Act did not stop court injunctions, industrial spies, and company-dominated unions. The Norris-LaGuardia Act of 1932, regulating court injunctions against unions, was an outstanding legislative victory for labor. Employers responded, however, by stepping up their hiring of labor spies and professional strike breakers.

The National Industrial Recovery Act and the Wagner Act finally declared, as a matter of public policy, "that employees shall have the right to organize and bargain collectively through representatives of their own choosing." The impact was beyond all expectations. In the five years between 1933 and 1938, union membership in the United States jumped from slightly over two million members to more than seven and a half million members.

4 How Collective Bargaining Works

Even today there are those who seek to weaken collective bargaining or even to render it powerless. To escape from unions, employers in marginal industries sometimes close their factories and move their whole operation to some new area where they hope to find low-paid non-union workers. Some stubborn employers continue to resist collective bargaining in defiance of federal law. The National Labor Relations Board is perpetually burdened with cases of employers refusing to bargain with properly certified unions and with cases of unfair labor practices including countless workers fired for union activity.

Other anti-labor groups concentrate their efforts on legislative proposals which would make collective bargaining ineffective. Sometimes their arguments have a surface appeal which makes them attractive to people who really do not understand what collective bargaining is or how it works.

In fact, collective bargaining is the application of democratic processes to employer-employee relationships. A union becomes the bargaining agent for a group of workers when the employer agrees that it represents the majority of them. Most commonly this is determined by a secret vote, conducted by the National Labor Relations Board under exacting conditions of fair play. If a clear majority of the workers involved indicate a desire to be represented by the union, then that union is "certified" as the collective bargaining agent for the employees.

Representatives of the union and representatives of management then meet together at the bargaining table and they try to get together on a collective agreement or contract. Rarely are the two sides in agreement when they begin their meetings, and rarely is the final product of their deliberations precisely what either side wanted when they began. Collective bargaining is a matter of give and take, with labor and management gradually moving closer together. When the union representatives and the management representatives have finally agreed on a contract, the union

representatives take the contract back to their members. If it does not satisfy them, they will send their union representatives back to continue the bargaining process or they may decide to reinforce their demands by going on strike.

Once the contract has been ratified by the union and by the management, it becomes the guiding principle of labor-management relations for the duration of the agreement. No longer are workers subject to the arbitrary whims of the employer or his representative. Industrial relations have been established on an orderly basis.

There are approximately 150,000 of these collective agreements in force in the United States today. Of these, 147,000 were successfully negotiated without any work-stoppage taking place. This is an important fact, often overlooked in discussions about collective bargaining. There is an element of excitement about a strike that draws public attention, but there is much less attention given to the thousands of union-management agreements that are regularly negotiated without any work stoppage taking place. An average of 300 collective bargaining agreements are concluded every day without strikes. This triumph of free democratic labor-management relations is so commonplace that it is not newsworthy and it is therefore usually overlooked.

To say that most collective bargaining agreements are effected without strikes is not to deny the importance of those strikes which do take place or which might take place. In the final analysis, labor's power at the bargaining table is closely related to its potential ability to strike.

The employer has many weapons that he can use to force the union to move closer to his position. Greatest of these is the threat that he will shut down his operation either temporarily or permanently or the similar threat that he will move his operation to another state where he may get more concessions from labor. The principal strength of the workers at the bargaining table comes from the fact that if the employer does not sufficiently heed their demands, they will withhold their work. Because both sides know what the other can do, it is rarely necessary for either side to use its ultimate economic strength. Moreover, it must be remembered that it is a major decision for a group of workers to call a strike. A strike, especially if it is of long duration, costs workers a great deal in lost wages and it places heavy drains upon the resources of their

union. Union members therefore do not lightly reach a decision to go on strike. But without their ultimate strength, they could not engage in realistic collective bargaining. Workers could only expect to receive at the bargaining table those things which employers—or perhaps public agencies—were willing to give them, depending upon their degree of paternalistic feeling. Our whole system of collective bargaining works only because unions have the rarely used power to support their proposals by stopping work.

The critics of organized labor frequently dwell on the fact that strikes inconvenience the public. This is undoubtedly often true, but the inconvenience is an essential price of democracy in our labor relations. All of the alternatives to the occasional public inconvenience involve industrial dictatorship of one sort or another and certainly inconvenience is preferable to a loss of freedom. It is worth noting that labor unions can only exist in a free society and wherever free unions are barred, there is no freedom for anyone.

Simply to avoid conflict is not necessarily a desirable end, in and of itself. From the Boston Tea Party to the Selma March, progress has often been coupled with conflict. It is hard to imagine how much poorer the quality of American life would be today if avoiding conflict had been our most important guiding principle during the last two hundred years.

Labor's critics sometimes pretend concern for workers by saying that workers never make up what they lose by strikes. Even if this were true, it would be a decision best reached by the workers themselves rather than one forced upon them. But it is not true. Under our American system of collective bargaining, our standard of living has risen to unparalleled heights and occasional strikes have been an essential part of this process.

The collective bargaining agreement which is finally accepted by the union and the employer is usually a complex legal structure. Its precise form varies from industry to industry, just as the industries themselves vary. However there are some common features of all agreements. They in effect establish a form of democratic government within the work place. They set forth certain rights of the workers and the management; they establish enforcement machinery to make sure that each person receives the rights to which he is entitled; and they establish a judicial system called grievance procedure through which the in-

dividual can redress any violation of his contractual rights.

The rights spelled out in the agreement will cover wages, hours, and working conditions. They will also include what are called "fringe benefits," that is such things as pension plans, health and welfare benefits, paid vacations, etc.

Complex issues will very likely divide the union and the employer in their negotiations leading to a collective bargaining agreement. Wage increases will very probably be an issue, but it may also be that the union and the employer will be divided over how the proposed wage increases should be distributed among the various job classifications in the work place. And there will be many questions apart from wages. Should seniority lists be made up by department, by job classification, or plant-wide? Should the employer contribute toward additional benefits in the health plan or should he put the money into improving the retirement plan? Such are only a few of the many problems which must be answered by the negotiators in reaching an agreement.

It is a remarkable achievement of free collective bargaining that every year thousands of labor-management negotiating committees sit down together and hammer out differences until they are able to resolve them into an agreement. It is still more remarkable that 98% of these agreements are reached without any interruption of production. This is true democracy in action, an accomplishment in which every American can take pride.

The alternatives to free collective bargaining are undemocratic. One way is to leave it to the employer. That is how it was universally done in this country until the middle of the 19th century. And that is how it is still done where there are no unions. In theory, under this system the employer and the individual worker negotiate the terms of employment; but the reality is that the worker must accept the employer's terms.

The other alternative is for the state to fix all of the conditions of employment. That is the system which is followed in the Soviet Union, where the state is the employer; and it is followed in several other countries, even with respect to plants which remain under private ownership.

Neither of these alternatives would be conducive to industrial peace or stable labor-management relationships. And even if they were, both are repugnant to the American system of democratic self-determination.

5 Arbitration: Use and Misuse

One of the essential provisions of any collective agreement is a grievance procedure through which disputes can be adjudicated. Grievance procedures vary considerably, depending upon the nature of the industry involved. But always they involve a method by which the individual worker can process a complaint through his union. The final appeal, in most contracts today, consists of the company and the union submitting the issue to an impartial arbitrator who, after hearing the evidence from both sides, issues a decision which is binding and legally enforceable for both sides. His decision is based not upon what he thinks may be wise and just, but upon how he understands the language of the contract to apply to the case at hand. He relates the case to the contract, just as a judge relates a case to the law.

This is voluntary arbitration, a procedure written by labor and management of their own free will into the contract. It is not a completely workable system in all industries, particularly those like the construction industries where workers are employed on a given job for a relatively short period of time. But approximately 85% of the collective agreements in effect today make provision for voluntary arbitration.

In exchange for the right to submit grievances to voluntary arbitration, unions have usually agreed in turn not to strike for the duration of the agreement. Before arbitration became commonplace in collective bargaining agreements, the union's final recourse in attempting to settle a grievance was to call a strike. Today, as a result of the widespread acceptance of voluntary arbitration, strikes rarely take place over grievances arising under a collective bargaining agreement.

This is again a triumph of free collective bargaining. Workers and employers have both gained as orderly procedures for resolving grievances have become the established pattern.

A favorite proposal of anti-labor groups which is revived from time to time is "compulsory arbitration." Such a plan involves a misunderstanding

of the nature of arbitration, and few knowledgeable people, whether from unions, management or government, believe that it would be a desirable alternative to free collective bargaining.

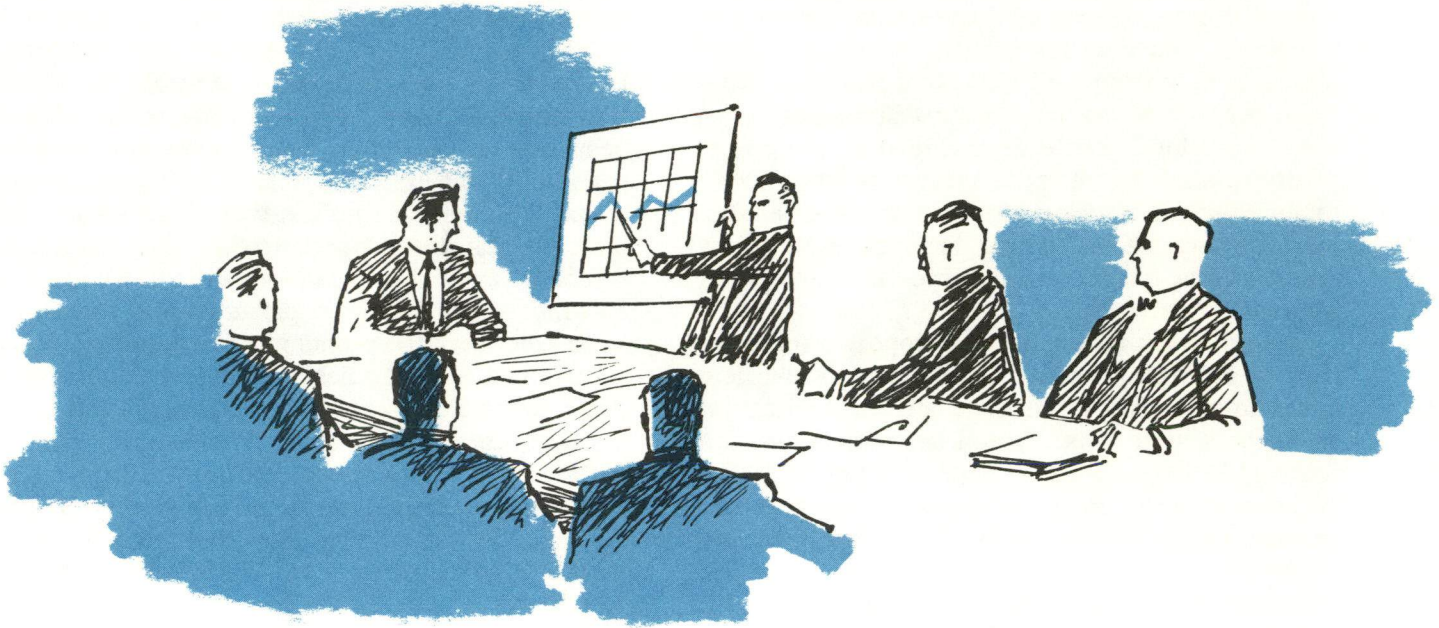
There are two principal kinds of labor-management disputes, those which result from differences of opinion over how contract provisions should be interpreted and those which result during negotiations for a new contract over differences as to what provisions should be included in the agreement. Since 85% of the contracts in force today include provisions for arbitration as the final step in the grievance procedure, arbitration of grievances arising under the contract is scarcely an issue.

Clearly, what is involved in proposals for compulsory arbitration is not the arbitration of grievances arising under the contract but arbitration of disputes as to what should be written into the contract in the first place. This is a very different thing. Our belief in the judicial system does not lead us to suppose that we should leave the writing of laws up to the judges. Yet this is what the arbitrator would be doing if he were to make a decision as to what should go into the collective agreement. The collective agreement is the "law" setting forth the terms of employer-employee relationships. The function of an arbitrator is to interpret that law, not to write it.

Compulsory arbitration is usually supported as a magic formula for industrial peace. Yet the experience in Australia which has adopted compulsory arbitration indicates that it does not make for industrial peace at all. Compulsory arbitration forces the government to undertake complex decisions as to wages, hours, seniority systems, pension plans and the like. The result in Australia has been turmoil rather than peace, and the plan has not stopped strikes.

There have been many instances in America in which unions and employers have voluntarily submitted disputed points in contract negotiations to arbitration, but these are exceptional cases. They ought not establish a general pattern even for voluntary arbitration of issues in contract negotiations, let alone for compulsory arbitration. Compulsory arbitration would inevitably involve the government in making hundreds of minute decisions which the tradition of American democracy leaves to be worked out by negotiations between unions and management. Governmentally decreed working conditions is the way of dictator-

ship rather than a refinement of democratic collective bargaining. Moreover, government determination of every working condition would be followed inevitably by government determination of prices and profits. Little would be left of the American free enterprise system.



6 The Union Shop and Democracy

In most collective bargaining agreements there is another feature which has drawn the attention of those who would destroy the basic structure of collective bargaining, the provision for union security. The most common form of union security is the union shop, that is a provision in the labor-management agreement requiring all workers covered by the agreement to be members of the union within a specified time. The union shop has been a persistent target of anti-labor groups. These groups received a major boost when Section 14(b) of the Taft-Hartley Act invited the states to enact legislation outlawing the union shop and other forms of union security. A number of states responded by enacting laws which were misnamed by the supporters "right-to-work laws."

These laws did nothing, of course, to guarantee anyone the right to work or to full employment. What they did seek to accomplish was the destruction of the basic principle of collective bargaining by destroying the union's strength.

The union shop is a subject which is not always understood and which therefore deserves some explanation. In the union shop there is a provision in the collective agreement which requires every worker covered by the agreement to become a member of the union and to remain a member in good standing.

In most industries the union shop is a basic necessity for truly effective collective bargaining. Every worker covered by the agreement receives —as a matter of law—the same benefits, whether he belongs to the union or not. He receives the same wage increases, the same medical benefits, the same seniority rights and the same pension when he retires. These are only a few of the things won by union negotiations which under the federal labor law must go to every employee, union member or not. If a non-union member has a grievance, if for example his seniority rights have been violated, the union is required by law to process his case through the grievance procedure,

just as it would do if he were a union member.

Since all workers share equally in the benefits which result from collective bargaining, it is only fair and just that they should all share in the responsibilities and obligations which go with collective bargaining, paying the dues necessary to finance its efforts, and participating in the decision-making processes.

This is exactly as it is in a democratic government. There is ample opportunity for citizens to participate in the making of decisions. But once a decision is reached by majority action, all citizens are bound to abide by the decision. No government could survive if individuals could accept the benefits of citizenship while declining to pay taxes to support those benefits.

Yet those who would outlaw the union shop would, in effect, encourage the occasional irresponsible individual to say, "Since I get the same benefits, whether I belong to the union or not, there is no reason why I should pay dues or accept the other responsibilities of union membership." Fortunately, there are rarely more than a handful of people like this, but their influence can be greater than their numbers. When the conscientious union members see that some of their co-workers are getting exactly the same benefits and the same services from the union, and yet are paying no dues nor meeting any other responsibilities of union membership, the result can only be demoralization of the whole collective bargaining structure.

If the individual worker is dissatisfied with his union, his recourse is not to quit the union but to try through the democratic structure of that union to change those things which dissatisfy him. His rights to express his views through the democratic structure of the union are guaranteed to him by both his union constitution and by the federal law. By remaining a member of the union. the dissenting member may eventually win general acceptance of his ideas; by withdrawing from the union he can only weaken the collective bargaining process. By leaving the union, he would lose his voice but not his responsibility to live up to the contract. It is only through membership in the union that he can participate democratically in determining what his rights and responsibilities will be. And, of course, if the union does not represent the will of the majority of the members, they can decertify it, that is, by a majority vote they can declare that they no longer want to

be represented by it.

To labor, employers and public, the union shop is an important aspect of responsible unionism. For example, a union which conscientiously tries to wipe out traces of racial discrimination in the work place may well find that its actions are unpopular with some of its members. In such a situation, the union has a hard row to hoe at best, but with a union security contract it is better able to handle the situation. Such a contract will protect the union against resignations in the heat of the moment, and given time the union leadership may be able to convince disgruntled members that the changes were both legally necessary and morally right. Without union security, union membership may drop sharply whenever the union makes a decision which is unpopular with some of its members.

In short, a union needs union security to be able to discharge its responsibilities as collective bargaining representative. Without union security, its alternatives may be to act irresponsibly or to disintegrate.

The union shop is full application of the principles of democratic government to labor-management relations. Proposals to outlaw the union shop, whether at the state level or the national level, should be understood for what they are, a crude attempt to render unions ineffective and to strengthen the hand of the employers.



7 Bargaining: A Variety of Patterns

The precise forms of collective bargaining vary considerably from industry to industry, depending largely upon the nature of the particular industry involved. Inevitably a union engaged in collective bargaining with industrial giants such as the automobile manufacturers will operate differently than a union engaged in bargaining in an industry of relatively small producers such as the garment industry. Within the general framework of democratic collective bargaining, therefore, each union and each industry has developed its own unique patterns of bargaining.

One kind of bargaining situation is that involving the building construction industry. Building contractors operate essentially in a local market. The work must be done where it is needed, unlike some kinds of manufacturing which can easily be moved from one city to another. Since their product is not transportable, building contractors are competitive only in the local market area.

Local market bargaining is therefore characteristic of the building trades. Collective bargaining takes place between various local unions of construction workers and the local trade association of contractors. These local unions have a great deal of autonomy in bargaining, and no attempts are made by their international unions to impose a uniform pattern of wages or working conditions.

Construction unions are among the oldest in America, so well established in their industry that most contractors have long accepted the practice of collective bargaining. An important fact which has shaped collective bargaining in the construction industry is that workers are usually employed at a job site for a period of short duration. When disputes arise between the union and the employer, they must be settled quickly. The time consuming process of arbitration would in most cases only result in settling the issue long after the job was finished. Settlement of grievances is therefore largely the responsibility of the local union's business agent and the employer.

Recent years have seen the rise of national building construction contractors, employers who go from city to city doing construction work. This development has introduced new problems and led to national agreements in the construction industry, but even under these national agreements, the employers are required in each city where they operate to observe local wages and working conditions. Even the national agreements therefore follow the pattern of local market bargaining.

This method of collective bargaining works well for a union which is dealing with employers who are not nationally competitive. Retail food stores and newspaper publishers are similarly competitive on a local market and here too collective bargaining is ordinarily conducted locally.

On the other hand these patterns of bargaining would not work at all in such an industry as the women's apparel industry. Manufacturers of apparel are fiercely competitive over a nation-wide market. Most of the employers are small scale producers. The industry requires relatively little capital investment and labor cost accounts for a considerable part of the cost of the finished product. A difference of a few cents in labor costs may well make the difference between financial success and bankruptcy for an employer.

The union and the employers therefore long ago found that effective collective bargaining in the women's apparel industry required the negotiation of collective agreements between the union and an association of competing employers. In this way, the individual garment manufacturer knows that granting new benefits to his workers will not prove financially ruinous to him, because his competitors will be granting the same benefits.

Before unionism, the garment industry was characterized by disease-ridden sweat shops in which men, women and children worked at poverty-level wages. Collective bargaining between a responsible union and responsible employer associations has raised this industry to new heights of economic stability and human decency. If the garment unions were required to negotiate separately with each individual manufacturer, the result would be to throw an entire industry into chaos.

Recent years have seen a new development in the women's garment industry, the emergence of a few "industrial giants." These trends are leading both the union and the manufacturers to ex-

plore new patterns of collective bargaining for the garment industry, better suited to the new circumstances. This is as it should be. The pattern of collective bargaining is not something that can be dictated by legislation; it is something which must be evolved experimentally in the light of the nature of the industry in which it takes place.

There are industries quite unlike the garment industry, industries which are dominated by huge enterprises with capital assets running into the billions of dollars. In such industries, collective bargaining inevitably follows a very different pattern. The local market bargaining which is logical for the carpenters' union would be meaningless for a union dealing with General Motors whose assets are spread across the nation and whose financial control may be located far away from its major centers of production.

The automobile workers have therefore developed their own unique patterns of collective bargaining. Workers in each General Motors plant belong to their own local union of the United Automobile Workers. Each of these locals is part of the UAW's General Motors Council and it is this Council which negotiates a collective bargaining agreement with General Motors. Purely local issues are left to be settled in separate negotiations between the local unions and the local plant managers, but the basic structure of collective bargaining is determined nationally, and it must be so. What is more, having reached agreement with General Motors, the union must then press for similar benefits from Ford and Chrysler. Otherwise General Motors would be at a competitive disadvantage because of the benefits to which it had agreed in collective bargaining with the union.

The local union of the Carpenters' Union is a logical unit to negotiate a collective agreement with building contractors, but for a local union of General Motors workers to attempt to negotiate an agreement with General Motors Corporation would be futile.

In short, there is no single pattern of collective bargaining which can meet all of the varied conditions under which labor-management relationships must take place. It is a major achievement of America's free democratic unions and of its responsible employers that we have been able to evolve an infinite variety of patterns of collective bargaining to meet an infinite variety of industrial situations.

There are frequent proposals in Congress and in the press to limit, in one way or another, the right of a union to engage in bargaining with more than one employer.

Those who have not participated in collective bargaining sometimes fail to understand the extent to which successful collective bargaining with one employer depends upon successful collective bargaining with other employers in the same industry. Unionism must be virtually universal in an industry if it is to be fair either to workers or to employers.

If a union asks the employer for, let us say, an improved pension plan, the employer will certainly want to know that, if he grants the union's request, his competitors will give similar benefits. Otherwise he would be placing himself at a serious competitive disadvantage. But whether the union negotiates with a single employer or with an association of many employers, each employer knows that whatever the union asks of him, it will also ask of his competitors. This is one of the important reasons why local unions find it necessary to be affiliated with national or international unions. To be effective at the bargaining table, they must be able to coordinate their demands with the demands that other workers in the industry are making upon their employers.

Among the anti-labor proposals which have found recent advocates is that which would outlaw industry-wide collective bargaining.

Industry-wide bargaining is by no means a universal feature of American unionism. There are some industries in which it makes greater sense, some in which it makes less sense. The decision as to whether industry-wide bargaining is appropriate in a given situation is one which should be made by union and management together rather than being forced upon them legislatively.

In highly competitive industries such as the apparel industry, a given employer can only establish good working conditions if he knows that similar working conditions will prevail in those firms with which he is competing. Under these conditions industry-wide bargaining, especially with employers in the same geographical area, is in the interest not only of the union, but of the employer and the public as well.

There are other industries in which a major part of the market is controlled by a few industrial giants. What they do in collective bargaining will inevitably establish a pattern to be fol-

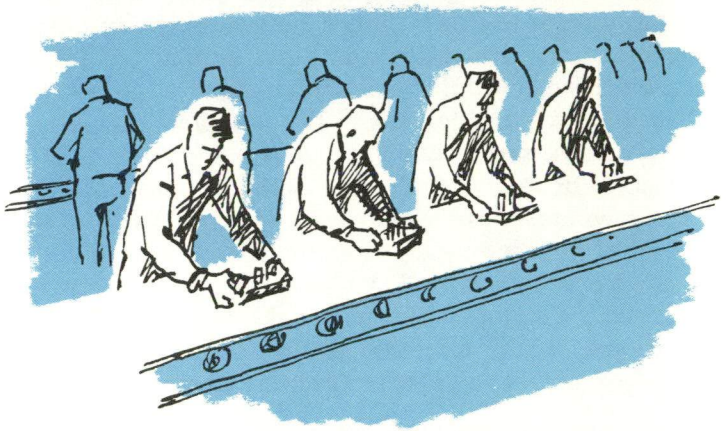
lowed by smaller firms. It is then more than reasonable that the smaller firms should be participants in reaching the decisions that will affect their own future.

In other fields in which there is not the same degree of national competition between employers, collective bargaining is likely to be conducted on the basis of the local market, rather than on the basis of industry-wide bargaining covering employers scattered over a wide geographical area.

Yet all collective bargaining is inter-related and there is an aspect of industry-wide bargaining in all labor-management negotiations. No one employer can long provide good working conditions unless the union is in a position to obtain similar working conditions from his competitors. The success of collective bargaining between a local union and a given employer depends upon the strength of collective bargaining throughout the whole industry and even to an extent upon the strength of collective bargaining throughout the whole economy.

It is pure necessity which has caused local unions to join national unions and national unions in turn to form a federation such as the AFL-CIO.





8 Unions, Democracy and Freedom

The departures from collective bargaining principles which anti-union groups suggest are unrealistic and all of them would render collective bargaining so ineffective as to make it meaningless. This is not to say, however, that labor regards collective bargaining as inflexible and beyond improvement. There are important changes taking place in the labor force which will undoubtedly have an impact upon the nature of collective bargaining in the future.

One of the changes resulting from the rapid introduction of automation has been to bring about a work force which has a higher proportion of white collar workers than was true in the past. Service industries too will account for an increasing proportion of employment and these have traditionally been low paying industries. The organization of white collar workers and workers in the service industries and other depressed industries is a major challenge to organized labor. New methods of organizing and new techniques in collective bargaining will undoubtedly be needed, but these must arise from the needs of the workers and the industry involved and not from attempts to force unnatural bargaining patterns upon the situation by legislative action. Already collective bargaining in many industries has proved its value in dealing with the problems resulting from automation. Severance pay funds, labor-management retraining programs, shorter work weeks are only a few of the devices developed through collective bargaining to cushion the effects of automation upon the economy.

Collective bargaining is by no means the only activity in which organized labor is engaged. Organized labor is an essential part of the fabric of democratic society. Its historic mission has been to improve the lot of the poor, the exploited, and the victims of discrimination. From its earliest days in America, basic economic necessity caused unions to speak out as a people's lobby. No other organization in the nation has con-

cerned itself with as wide-ranging a program for social improvement. Unions have been in the forefront of efforts to secure better schools, better housing, and better medical care. They have played a major role in the drive to secure full civil rights for every individual, whatever his race, creed, color, or national origin. Locally, nationally, and in the various states, unions have worked energetically to develop adequate and equitable tax structures. They have sought to improve social security and unemployment benefits. And they have worked uncompromisingly to strengthen the forces of freedom and democracy throughout the world.

These activities are important extensions of labor's role in collective bargaining and they have immeasurably enriched American life. They represent organized labor's determination to obtain a better life for all people. These efforts are only possible to the extent that labor is able to be effective at the collective bargaining table. Whatever would weaken organized labor would by the same token weaken American democracy itself. Whatever would strengthen the process of free collective bargaining would by the same token strengthen American democracy and American freedom.



Structure of the AFL-CIO

Membership

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is made up of 101 national and international unions which in turn have more than 48,000 local unions.

The combined membership of all the unions affiliated with the AFL-CIO, as of Jan. 1, 1981, was 13,600,000 workers.

Affiliated Organizations

In addition to the national and international unions, the AFL-CIO has state and city central bodies and trade and industrial departments.

There are *state central bodies* in each of the 50 states and in Puerto Rico. The state bodies, composed of and supported by the different local unions in the particular state, function to advance the state-wide interests of labor and represent labor on state legislative matters.

Similarly, in each of 744 communities, the local unions of different national and international unions have formed *local central bodies*, through which they deal with civic and community problems and other local matters of mutual concern.

The *Trade and Industrial Departments* are separate organizations within the AFL-CIO which seek to promote the interests of specific groups of workers which are in different unions but have certain strong common interests.

Many of the national and international unions are affiliated with one or more of the eight such departments: Building and Construction Trades, Food & Beverage Trades, Industrial Union, Maritime Trades, Metal Trades, Professional Employees and Public Employee. The eighth, the Union Label and Service Trades Department, seeks to promote consumer interest in union-made products and union services by urging the purchase of those products which bear the union label.

Policy Determination and Application

The basic policies of the AFL-CIO are set by its *convention*, which is its highest governing body. The convention meets every two years, although a special convention may be called at any time to consider a particular problem.

Each national and international union is entitled to send delegates to the convention, the number of delegates determined by the size of the union. Other affiliated organizations are entitled to be represented by one delegate each.

The governing body between conventions is the *Executive Council*, which is made up of the federation's President, Secretary-Treasurer, and 33 Vice-Presidents, all of whom are elected by majority vote of the convention.

The Executive Council carries out policies laid down by vote of the convention and deals with whatever issues and needs may arise between conventions. It meets at least three times a year.

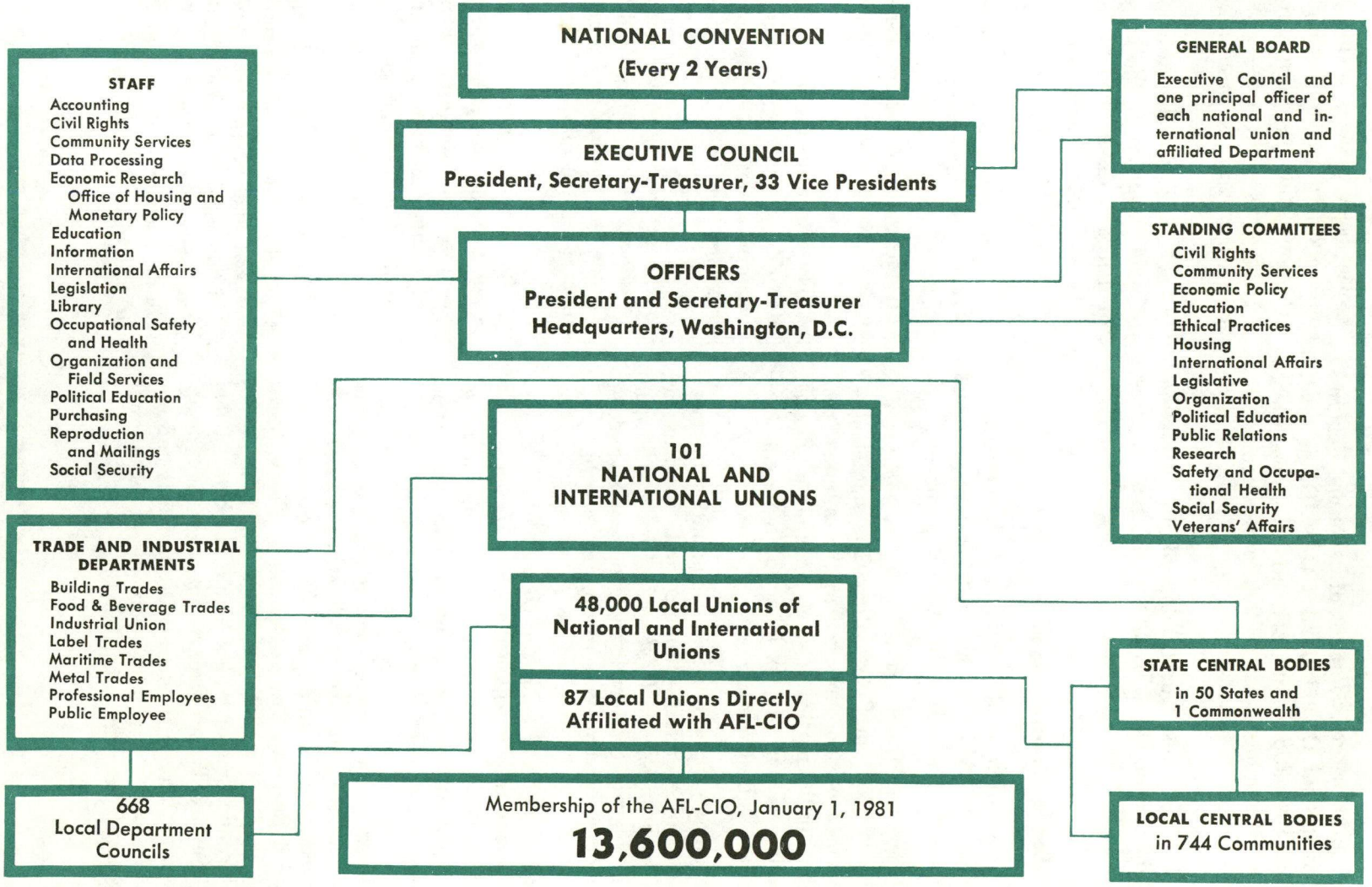
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The President appoints a number of *standing committees* on particular subjects and directs the committees and staff departments in providing services to labor through organizing, legislative, international, public relations, educational, economic research and other activities.

A *General Board*, made up of the Executive Council members and a principal officer of each national and international union and each trade and industrial department, meets at the call of the President or the Executive Council to consider policy questions referred to it by the officers or the Executive Council.

American Federation of Labor and
Congress of Industrial Organizations
Lane Kirkland, *President*
Thomas R. Donahue, *Secretary-Treasurer*
Washington, D. C. 20006

STRUCTURAL ORGANIZATION
of the
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS



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