

Labor Department Examines Bracero Law

The first step toward formal implementation of the Kennedy Administration's intentions regarding the Mexican National importation program took place December 8 in Washington D.C., when the U.S. Department of Labor held public hearings on the "adverse effect" clause and the 1961 amendments to Public Law 78.

The new amendments enacted during the last session of Congress provide that growers offer the same working conditions to domestic workers as those granted to braceros. In addition, more specific language was incorporated to prohibit the employment of Mexican workers in certain types of farm jobs involving machinery and in work that is neither seasonal nor temporary.

In a wire to Secretary of Labor Arthur J. Goldberg, Secretary-Treasurer Thos. L. Pitts of the California Labor Federation declared:

"We would like to record our wholehearted approval of the Department's apparent intent to ad-

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Federation Presses Rehabilitation Benefits Under Workmen's Compensation

The California Labor Federation, AFL-CIO this week urged an Assembly unit of the state legislature to take action to plug "the most serious existing gap in California's workmen's compensation program"—the lack of any provision for the rehabilitation of injured workers.

The state AFL-CIO plea was contained in a prepared statement, which was summarized and presented to an Assembly Subcommittee on Workmen's Compensation by Federation General Counsel Charles P. Scully at hearings held in San Francisco this Tuesday, December 12.

The legislators were told "that rehabilitation must constitute the basic component of a sound workmen's compensation system."

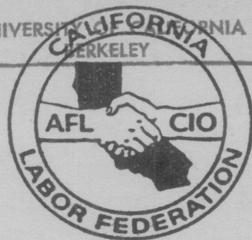
Recognizing that rehabilitation should be a major goal of the compensation process, the labor statement urged adoption of the viewpoint that "the motivating principle in workmen's compensation should be to get the injured workman back on the job, back to productivity at his highest attainable skill, with minimal disability."

Despite the vital importance of rehabilitation, California's work-

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THOS. L. PITTS
Executive
Secretary-Treasurer

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CHRISTMAS MESSAGE

—THOS. L. PITTS

This holiday season, in a world beset with fear of a nuclear holocaust, we would do well to give some thought to the expression "Peace on Earth, Good Will Toward Men."

This concept of brotherhood cuts across religious faiths. It challenges the world community in which we live. It puts man to the ultimate test in the relationships he must endure, both within society and among societies—some free, some half-free, and some under the yoke of economic and political tyranny.

In America and other parts of the free world, where our stake has been planted in the dignity of the individual, we must ask ourselves individually and collectively: Are we willing to extend this dignity,

and the equal rights that must go with it, to the people of all races, religions, nationalities, creeds and national origin? Is this dignity and brotherhood to be the special preserve of those who have the economic means of securing it? Or is it a value dear enough in our hearts that we will see it extended to all of society, irrespective of economic and social status?

To a free society, these are more than rhetorical questions.

Where we seek dignity for the individual among the emerging nations in underdeveloped areas, our right to exert leadership is measured by the meaning we give to dignity at home.

Where we fight colonialism of the right and left abroad, we can do so successfully only to the extent that we are willing to fight the "colonial powers" who rule over agricultural workers in the fertile valleys of California, and mock our cherished concepts of political and economic democracy.

Where we seek freedom and dignity for oppressed peoples behind the Iron Curtain, where we seek their preservation in the "troubled areas" of Europe, Asia, Africa and South America, let us understand more clearly what we are seeking to preserve and extend.

Our concern is for human life, and the dignity and love that life can provide us in our struggle for individual, economic, and social security. We in the labor movement have learned that economic tyranny

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Federation Presses Rehabilitation Benefits Under Workmen's Compensation

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this conversion for the effective administration of benefits.

Rehabilitation, it was pointed out, "combines physical restoration and medical rehabilitation with vocational rehabilitation and job placement. Early identification of the injured workers in need of rehabilitation services in any of its phases is a basic requirement which must be combined with effective supervision by the administrative agency."

In developing the total concept of rehabilitation, the statement added:

"Rehabilitation necessarily begins when the doctor first sees the injured person and continues until the injured person has acquired his greatest possible skill. The physician . . . is the architect of the rehabilitation program. On the physician must fall the responsibility of bringing into use the many skills and disciplines available within our modern community.

"The state, however, must retain the responsibility to see that the injured worker is assured of rehabilitation and indemnity benefits. . . . The doctor, the hospital, the rehabilitation center, the vocational training center, the state vocational rehabilitation agency, the employer and the insurance carrier must operate as a team. Only a responsible state agency can assure a team effort to rehabilitate the injured worker."

Recognizing that the administrative task is not an easy one, the Federation's statement analyzed various administrative approaches in detail and recommended the following guide lines:

" . . . free choice of doctor from among approved physicians; supervision of the rehabilitation program—a responsibility of the state agency; and delegation of the responsibility of the state agency to doctors carefully selected because of their special skill on a consultant basis."

The referral system for rehabilitation must be on a uniform, non-selective basis, which assures, through adequate supervision, that all injured workers who potentially may benefit from rehabilitation in

any part of its phases shall receive such benefits.

The non-selective process was found in a special study on rehabilitation by the state to offer the best procedure for determining need, and gaining acceptance of rehabilitation services by injured workers.

The Federation flatly opposed "any selected system of referral on determination alone of the carrier or the employer without supervision by the state agency." The state AFL-CIO statement was equally emphatic in demanding that the cost of rehabilitation should be borne by industry—not by the general public.

"Every dollar spent on rehabilitation can save up to \$6," legislators were told in a portion of the Federation's statement citing findings of the American Association of State Compensation Funds.

Vital to the whole rehabilitation process would be the provision of adequate maintenance benefits payable as a matter of right to injured workers while they are undergoing rehabilitation. Backed by findings of the state special study on rehabilitation, the Federation argued that an additional maintenance benefit is needed on top of the payment of regular temporary disability benefits during rehabilitation training.

"In short," the statement pointed out, "the maintenance payments must be sufficient to relieve the claimant's mind of worries about his family's living standards. A program for rehabilitation which omits the authority to extend maintenance benefits to the individual claimant will condemn the program from the beginning to an unsatisfactory accomplishment."

In presenting the Federation position, Scully hit hard the notion that all permanent disability benefits should cease upon a successful rehabilitation, or shortly thereafter.

"In our opinion," Scully said, this "betrays lack of understanding of the rehabilitation process."

He added: "The motivating principle in rehabilitation . . . should be to get the injured workman back

New Safety Chief

Governor Edmund G. Brown has named George A. Sherman as the new chief of the state's Division of Industrial Safety. Sherman, formerly assistant chief of the agency, replaces Thomas Saunders, who resigned to direct northern California activities of the California Democratic Coordinating Committee.

In the 21 years Sherman has been with the Division, he has held every important job from junior safety engineer to assistant chief, and is recognized as one of the top U.S. authorities on industrial safety. He has also had a prominent part in the research and development of California's industrial safety orders, the most comprehensive in the nation.

on the job, back to productivity, with **minimal disability**.

"It follows . . . that the primary consideration and goal in the process of rehabilitation must not be the reduction of any compensation allowance, but rather the reduction of the disability.

"It is our conviction, therefore, that since the object of rehabilitation is to reduce disability, a successful rehabilitation must not terminate permanent disability payments where in fact a permanent physical disability exists.

"Permanent disability benefits are only a form of partial reimbursement for impairment. Generally, rehabilitation does not remove physical impairment. It merely helps the injured worker lead a more useful life in spite of the physical impairment. If, in fact, the physical impairment is diminished through the rehabilitation process, then, within the process of total rehabilitation which we have advanced in this statement, the permanent rating will reflect that fact."

The Assembly unit has before it proposed rehabilitation legislation which was sent to interim committee study by the 1961 legislature.

Spokesmen representing the "employer community" were on hand in opposition to the addition of rehabilitation benefits to the workmen's compensation program, arguing that all is well, and that more "cooperation" and "education" are all that is needed.

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minister this program more vigorously than in the past.

"The presence of adverse effect upon wages and working conditions of domestic farm workers was firmly established by the four distinguished consultants appointed by your predecessor. Too often, however, the cumulative nature of adverse effect is overlooked. In other words, wage and other losses suffered by farm workers as a result of this program have mounted each year since enactment of the statute.

"We therefore urge a long overdue partial correction of this vast injustice by establishment of a \$1.00 minimum hourly wage for braceros, applicable also to available domestic workers in crops and areas where braceros are employed.

"If the new amendments are to have any meaning, we insist upon a broad interpretation of the section granting domestic workers the same working conditions as are now enjoyed by braceros in such areas as the three-quarter time work guarantee. Similarly, strict prohibition of bracero employment on mechanized, non-seasonal or non-temporary employment is vital if the law's asserted intent to safeguard domestic farm workers is to have any significance."

On the eve of the hearings, the mounting pressures for corrective action were reflected in an Imperial Valley grower announcement of a \$1.00 hourly rate to be paid domestic and imported workers in the lettuce harvesting season now getting underway.

While far from meeting minimally adequate standards, the effectiveness of public expression of concern is apparent from the recent evolution of Imperial Valley wage rates for farm labor. Until two years ago, the workers in this area had suffered from a long-term freeze of wages at the almost unbelievable level of 70c an hour. They were boosted last year under pressure from public opinion and the organizational activities of the labor movement.

The present hike in wage rates represents a rise of 43 per cent from the levels of recent years.

Job Picture Shows Improvement

An improved job picture was reported for both California and the nation in November, although normal seasonal factors brought no immediate relief.

The number of job holders in California declined over the month while unemployment rose, but the changes were less than seasonal expectations, according to the Departments of Industrial Relations and Employment.

November civilian employment in California declined 104,000 below October, cutting the total number of employed during the month to 6,170,000 out of a labor force of 6,562,000. Despite this decrease, the total job count was 111,000 or 2 per cent, above the previous November record established in 1960.

The state's jobless total rose by 43,000, but less than seasonally, to a November total of 392,000 or 6.0 per cent of the labor force, as compared with 5.3 per cent in October and 6.0 per cent a year earlier in November 1960.

This November marked the first time in 21 months that California's unemployment rate, as a percentage of the labor force, has not been above the year-earlier level. The number of unemployed, however, was the highest for any November since 1949, when the jobless totaled 408,000 or 9.0 per cent of the labor force.

U. S. JOBLESS DOWN TO 6.1%

Nationally, a virtually unchanged level of unemployment at 4 million cut the seasonally adjusted jobless rate in November to 6.1 per cent, from 6.8 per cent in October. The rate of joblessness was the lowest experienced during the last 12 months, and brought the situation back to the level of a year ago.

Although labor economists were encouraged by the favorable development, they expressed disappointment over the failure of unemployment to dip to the 5.5 per cent level they had hoped for during the final quarter of the year. The nation is still a long way from full employment.

The number of workers in the nation out of a job at least 15 weeks

declined by 100,000 to 1.1 million, a low for 1961. Virtually no change, however, took place during the month with respect to the 700,000 persons in this group who have been out of work for over 6 months.

A bright spot on the national scene was an increase in total non-agricultural employment of 300,000 to 62.1 million. Defying the usual decline experienced in November, this total was also 600,000 above a year ago and stood at a record high for the month.

Agricultural employment dropped seasonally by 750,000 to 5.2 million. As compared to a year ago, it was off by 450,000.

Total employment declined less than seasonally by half a million over the month to 67.3 million. Included among the employed were 2.4 million persons working only part-time for economic reasons. This was about the same as a month earlier and 300,000 below a year ago.

DEFENSE JOBS

Employment in California's electronics and missiles industries increased to new highs in November. Nearly three-fifths of the gain from a year ago in total manufacturing employment was accounted for by these two industries.

Aircraft plants added workers for the fourth consecutive month, but the November employment total in this California industry continued below a year ago.

Manufacturing employment, although down from October, was above November 1960 — the third consecutive month of year-over-year gains following a 15-month period of year-to-year losses.

Employment in the state's financial, service and government fields rose to new highs. Trade employment increased seasonally to a new November record.

The October-November decline in California's total civilian employment resulted from seasonal contraction in agriculture, further tapering of fruit and vegetable canning activity, and losses in construction and in lumbering.

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Job Training 'Special Session' Pressed Before Legislature

The state AFL-CIO request for a "special session call" to develop a coordinated state program for projecting skill and job training requirements in an automated age was carried to the legislature last Thursday, December 7, at hearings held in Sacramento by the Assembly Interim Committee on Industrial Relations.

In a 32-page statement, state AFL-CIO spokesmen detailed the magnitude of the unemployment problem and related skill development challenge that the state and nation faces in the '60s.

The Federation action program for coming to grips with the task of matching men and jobs includes the following four points, outlined in an earlier News Letter:

1. Establishment of a state manpower utilization commission representative of labor, management, educators, and agencies with job training functions to assume responsibility for coordinating California's efforts in skill development.

2. Planned conferences under this commission's coordination in each of the state's major labor market areas to focus attention on the magnitude of the manpower utilization and development problem, and to get employers to discuss their projected skill needs.

3. Follow-up coordinated studies in these labor market areas by professional economists and manpower experts to reduce generalities to specifics. The emphasis would be on projecting requirements in terms of skills, rather than occupations, and on the quantity needed and when.

4. Training programs to be expanded, revamped or developed as necessary to meet these projections on a planned basis.

The legislators were urged to recognize that California must "embark upon this community approach as quickly as possible."

"It is our firm conviction that this must be done whether or not any federal action is forthcoming," state AFL-CIO spokesmen told the committee, adding:

"Many of us are hopeful that the House Rules Committee roadblock, with respect to the Kennedy Administration Manpower Development and Training Bill, will be overcome when Congress reconvenes next month.

"If this occurs, and the broad, non-partisan support for the measure is permitted to express itself, additional manpower development funds will be made available to California."

But the legislature was told:

"The stakes involved in this matter for our state economy are much too great to tolerate any side-tracking of the issue during the 1962 special session of the legislature on the basis of whether or not federal action is to be frustrated by the Rules Committee.

"Implementation in California of this program recommended by the California Labor Federation, AFL-CIO may well serve as a guide to subsequent activities in other states, and, for that matter, at the federal level."

The urgency for state action was also expressed in these terms:

"Because of the state's heavy concentration of activity in the so-called space age technologies, the professional and technical requirements facing California are even greater than those of the nation as a whole.

"The challenge is doubly important in California simply because the potential we hold out for developing the skill content of our labor force is undoubtedly a balancing factor in our ability to attract industry.

"The state has maintained its preferential position as to location of new plants, despite the efforts of competing regions to lure industries into their areas through subsidized migration, featuring low tax rates and plenty of cheap labor.

"But we must never lose sight of the fact that California's natural advantages in the way of resources and location are in themselves not enough to maintain this position.

"While it is true that these advantages have enhanced our ability to provide industry with the necessary skill requirements by the attraction of skilled

Christmas Message

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is no less oppressive than political tyranny; indeed, that the two go hand in hand. We have learned that freedom and dignity are impossible under either.

But we have learned more. We have learned that tyranny does not emanate from the people, but is imposed upon them by the few who seize the economic and political power to do so. The German people who were led by a fascist dictator are essentially no different from the people who are being led in West Germany by a government which has aligned itself with the free world. The Russian people who could be led by a democratic government would be the same people who are today ruled by a communist dictatorship.

Our "Good Will Toward Men" must recognize this essential truth. A world that sits on a nuclear powder keg has no alternative, unless we are willing to accept nuclear genocide.

The struggle of America and the free world is not with the people under the Communist yoke, but with their oppressors. The drive to preserve life that sends some seeking shelter against nuclear weapons is the same drive that must seek to preserve mankind from the use of these weapons.

In our dedication and commitment to prevent the spread of Communist oppression, there is no room for deluding ourselves that freedom and dignity can be preserved at home or extended abroad, via a mass destruction of life. Least of all can we afford to heed the counsel of the emerging rightist movements in this nation, whose authoritarian discipline and beliefs would crush freedom and human dignity even as they would lead us to battle against the oppressor. Under their leadership, the trade unionist must recognize that he would have absolutely nothing left to preserve.

As a labor union official, my appeal this Christmas season is to both our membership and the general public. The challenge we face as a people is the meaning we can give to "Peace on Earth, Goodwill Toward Men."

workers from other states, continued heavy reliance upon this in the future would constitute a serious gamble with the state's future, a gamble which we are unwilling to take."