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COLLECTIVE BARGAINING

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By EDGAR L. WARREN
and IRVING BERNSTEIN

(Popular Pamphlet)

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Collective Bargaining

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By

EDGAR L. WARREN

and

IRVING BERNSTEIN

Illustrations by Bernard Seaman



INSTITUTE OF INDUSTRIAL RELATIONS
UNIVERSITY OF CALIFORNIA • LOS ANGELES

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Foreword

THE INSTITUTE OF INDUSTRIAL RELATIONS of the University of California was created by the California Legislature for the purpose, among others, of conducting research in industrial relations. Governor Earl Warren in his "Annual Message to the Legislature" of January 3, 1949, declared that the Institute

can be made a . . . practical means of bringing about better understanding in the field of industrial relations in California. . . . We should now make increasingly practical use of the information that has been developed by the Institute concerning the technique of collective bargaining.

Pamphlets such as this one seek to achieve this objective: to reach out to labor organizations, management, government officials, the schools and universities, and the general public with the results of research in industrial relations.

The purpose of this particular pamphlet is to supply an introduction to collective bargaining. It is directed to those who are either unfamiliar with or have only a bowing acquaintance with the subject. Experts will find little in it that they do not already know. For those

among the former group who wish to pursue the subject further a list of suggested readings is appended.

This pamphlet does not develop the role of government in the conduct of collective bargaining. It was omitted because the subject is so complex as to require separate treatment and because public policy was uncertain at the time this was written.

CLARK KERR, *Director*
Northern Division

EDGAR L. WARREN, *Director*
Southern Division

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I. Introduction: Importance of Collective Bargaining

COLLECTIVE BARGAINING cuts the pattern in labor relations in the United States. The Taft-Hartley Act, like the Wagner Act before it, states that the national labor policy is to encourage "the practice and procedure of collective bargaining." The President's Labor-Management Conference in 1945 unanimously concurred. Union contracts directly determine the wages and working conditions of fifteen million workers, while ten million others are indirectly affected. Bargains of this magnitude, of course, influence the economy as a whole, including such factors as where people work, whether prices are high or low, and whether business is prosperous or depressed.

Hence it is important that Americans understand what collective bargaining is and how it works. The fact that it is controversial has created prejudice and misunderstanding. In addition, the institution, though old, has become widespread only recently and public knowledge has not kept pace.



II. The Basis for Collective Bargaining

1. WHY UNIONS?

COLLECTIVE BARGAINING can exist only if workers first join together into labor unions. Such organizations are a response to modern industrial conditions and came into being with the Industrial Revolution.

Prior to that development manufacturing was in the hands of independent masters who often farmed at the same time and employed only a journeyman or two and trained an occasional apprentice. The relationship between them was intimate. The introduction of machinery destroyed this quiet order by leading to the factory system and the modern corporation. The machine, by making standardized operations possible, permitted higher output, lower unit costs, and wider markets. The factory drew a large labor force within its walls and, to maintain efficiency, concentrated authority in the hands of management and imposed discipline upon workers. The corporation was the means of raising the large amounts of capital needed and widened the gulf between owners and workers.

Industrialism separated the worker from the ownership and marketing of the products he made, diminished

his use of judgment in machine operations, reduced the value of his skills, and submerged his personality in factory discipline. At the outset he carried the added burdens of long hours, low pay, child labor, and poor sanitation. He has always lived with the fear of unemployment.

The individual worker had little opportunity to voice grievances to his employer because he had little bargaining power. He was uninformed on the conditions of other workers in the industry, seldom had a reserve of savings, feared being fired, and faced job competition from the unemployed. To overcome this weakness he joined with his fellow workers in the union.

2. WHY WORKERS JOIN UNIONS

Workers join unions, E. Wight Bakke discovered, for five basic reasons:

a. To enjoy the society and respect of other workers. Organization tends to give dignity to their class, making up for the fact that their jobs often have little prestige. They like to do what others are doing, particularly when they can tie up with a movement that "has a history."

b. To gain economic comfort and security, higher and steadier wages for their labor.

c. To win greater independence in and control over their own affairs. Unions regulate the employer's power to change the status of his employees by requiring that he conform to rules.

4 COLLECTIVE BARGAINING

d. To understand better the economic world they live in. Union explanations of such problems as unemployment often seem to make more sense than others, from the workingman's point of view.

e. To gain a general feeling of integrity.

Many workers, particularly in the United States, however, have not joined unions.

3. WHAT IS COLLECTIVE BARGAINING?

Formation of the union leads directly to bargaining since bargaining is the chief business of American unions. Collective bargaining has two essential elements, the first political and the second economic.

There is a political settlement between the union and management over the division of authority. This involves the extent to which the union will participate in making decisions and the areas over which it will have control. A bargain is comparable to a treaty between nations, marking the frontier between them and serving to keep the peace.

Economically bargaining is the settlement between the workers and management over the share the former receive from the proceeds of the business. The worker trades his labor for the highest possible price, marketing it coöperatively. Union business agents are experts in labor sales, compensating for the worker's inexperience.

The combined settlement is written in the collective bargaining agreement (contract), a statement of the conditions the employer offers and the union and employees accept. In return for his offer the employer normally receives a promise that the workers will not strike. This assures him of continuity of operations during the life of the contract. In some bargaining relationships the employer also receives union assistance in such areas as production and safety. For bargaining to exist at all it is vital that both sides be free to organize and choose representatives without interference from the other and that each deal in good faith with the other's representatives. The subjects covered by the agreement vary widely, primarily in accord with the political settlement. They include such matters of direct interest to employees as wages and hours. Unions seek security for their members by such provisions as seniority and grievance machinery. Unions also insist upon security for themselves, notably through the closed shop and its variants. The right to strike and lockout, as well as mediation and arbitration, are necessary elements of the bargaining process.

III. Unions and Collective Bargaining

1. UNION GOALS

A BASIC AIM of the labor leader is "to build the union," insure its survival and promote its security. Dangers arise from three sources: workers, employers, and union competition.

American workers are hard to organize and to keep organized, reflecting the community's ingrained individualism. They have been traditionally apathetic towards unions and have often been hostile. Unions therefore have sometimes organized employers rather than workers, that is, signed a contract with management without attempting to enroll its employees first.

Some employers, reflecting the same American individualism, have resisted unionism and collective bargaining. They have in the past devised practices to this end, for example, strikebreaking, espionage, and the yellow-dog contract.

Union competition takes the forms of rival organizations and internal factions. The former entail a conflict of jurisdiction over an industry or trade and reflect the concern which American unions attach to their jurisdictions.

Factionalism, by dividing the leadership, creates competing loyalties within the rank and file.

The closed shop (and its variants) is the principal device the union employs to gain security against all these risks. By it the employer's power to hire and fire is used to constrain his employees to join and remain members of the union. The closed shop assures the union's



position with the workers, guarantees its status with the employer, preëmpts the territory of a rival, and strengthens the leaders against factionalism. The above dangers explain the importance American unions attach to union security.

As bargaining agent for its members the union seeks the maximum money return for their labor from the employer and protects them against the possibility that he may treat them arbitrarily. Risks stem primarily from competition. Unions therefore strive to equalize labor costs among competing employers and to remove competition among their members. Examples are equal pay

for the same jobs in an industry and handling layoffs and promotions according to seniority. The ultimate objective is to eliminate individual bargaining, to promote collective bargaining over the entire area of competition. Unless the latter is realized, the union is under constant pressure to achieve it.

At bottom, then, the union has two basic goals: the organization's security and the well-being of its members. Under normal circumstances they complement each other and the union seeks to achieve both. When they occasionally conflict the leaders usually give precedence to the security of the organization.

2. LEADERSHIP AND MEMBERSHIP

Unions, Will Herberg has noted, go through life cycles like other social institutions. They begin as democratic protest movements seeking the self-liberation of submerged workers. Once having gained security, however, they become centralized businesslike service organizations much like banks and insurance companies. The tendency, over time, is for power to shift from the members to the leaders. This takes place in large part because collective bargaining is primarily a leadership function. It requires qualities workers do not possess: expert knowledge, ability to make quick decisions, and bargaining skill. The result is that the executives of the union tend to absorb legislative and judicial functions. The

bureaucracy of union functionaries tends to support the top leaders. The latter, to improve efficiency, hire experts—lawyers, economists, editors—thereby supplementing the bureaucracy and their own position.

American workers seem basically satisfied with this condition. They want protection and service, not the responsibilities of self-government. They regard their unions as instruments for improving their material welfare and are willing to delegate power to leaders to achieve this end. In effect, they hire the leaders as bargaining agents and measure their effectiveness with the yardstick of "more." If the leaders deliver with each year's contract their tenure is assured. This tends to make the unions pragmatic, job-conscious, concerned with the short-run, in other words, conservative.

3. UNION PROCEDURES IN BARGAINING

Union bargaining procedures develop from either the formal provisions of their constitutions and bylaws or from informal practices evolved out of experience. They vary considerably from one organization to the other. The nature and geographical dispersion of the industry affect them. For example, the international bylaws of the Musicians fix minimum scales for traveling orchestras to prevent undercutting local standards. The degree of centralization is also a factor. The Steelworkers' constitu-

tion, for example, requires that the International approve all agreements.

a. *Decision-making power.* The conduct of these procedures requires a distribution of power between first, leadership and membership and second, between international and local unions. As to the former, it has already been noted that the bargaining process requires concentration of authority in the hands of the leaders. As Philip Taft has observed, "a mass meeting is scarcely the proper atmosphere for negotiating a contract."

On the second, union practices vary widely. Some unions, like the Teamsters, grant virtually complete autonomy to their locals. Others, like the Typographical Union, stringently police local bargaining. Control from above occurs in such forms as formulating demands, assistance in research, representation on the negotiating committee, approval of the contract, and control over strikes. The trend is toward greater centralization.

b. *Formulating demands.* The union's first step is to decide what to ask for. When the local union is responsible for negotiations it usually names a committee for this which may consult the members. If a district council or joint board is involved, it receives suggestions from the constituent locals. In national negotiations the union convention or, if it does not meet that year, a national scale committee formulates demands. In each case the decision is subject to approval prior to presentation to the employer, locally by the membership, at the district

level by the locals, and nationally by a scale conference or the convention.

The trend in shaping demands is toward national rather than local formulation. Some unions, for example, have standard contracts that locals must present to the employer and deviations from them require the international's approval. In some cases this tendency takes the form of coöperation between unions as between CIO organizations in the basic industries and the railroad and commercial printing organizations.

Although these procedures provide for formal consultation of the rank and file directly or through representatives, demands are usually shaped by the leadership and approved by the members. This again is not usurpation of power but a reflection of the fact that most industrial workers are not equipped to do the job effectively.

c. *Conducting negotiations.* Union committees invariably conduct negotiations. At the plant level they are either elected by the members or selected by the local president. An effort is made to balance representation among the various departments, crafts, or shops.

Customarily an international union representative enters negotiations with the committee and often carries the main load. This is because he is a "professional," being more experienced and better informed than the committeemen and, not being an employee, having more standing with the employer.

District committees are composed of the executive

boards of the constituent locals, of the permanent council in a craft interunion arrangement, or of a temporary committee chosen by a regional conference to conduct negotiations. National committees consist of the international union executive board with the frequent addition of local representatives. The size of these committees varies and, when they are too large, subcommittees are chosen to promote efficiency.

d. *Ratifying the contract.* Contracts negotiated by local committees are submitted to the rank and file for ratification. This procedure guards the workers against an inadequate or unfair settlement and protects the leaders by creating joint responsibility for one that may later prove unpopular. Some employers prefer it, as well, since it assures the formal assent of the employees with whom they administer the contract on a day-to-day basis.

Rank and file meetings normally accept the contract as negotiated. This is because workers tend to rely on their leaders' judgment and the latter usually urge the employees to approve since they have developed a vested interest in the agreement. Occasionally, however, members reject a contract, particularly where the union is torn with factionalism and the "outs" try to embarrass the "ins." This requires a resumption of negotiations with a disgusted employer.

Regional and national committees, on the other hand, usually have final authority to negotiate a contract. This is because ratification by the membership would create difficult administrative problems.

IV. Management and Collective Bargaining

I. MANAGEMENT'S GOAL

MANAGEMENT decision-making and structures as they affect bargaining are simpler than those of the union. This stems from the fact that an underlying goal of management is to earn a profit, or, conversely, to avoid a loss. Profitability is to the employer what union security is to the union, the condition for survival.

In many firms, especially small ones where the executive is both owner and manager, the basic objective is profit. In large corporations, on the other hand, since management is professional and has little or no ownership interest, other goals may enter. These include such considerations as personal position, the creative urge, playing safe, and enlarging the enterprise. The profit motive even here, however, is important since the firm will be compelled to cease operations if it fails to earn its costs over a period of time.

This relative singleness of purpose influences the manager to integrate the factors of production in the most efficient manner in order to reduce costs and maximize profits. In his eyes labor may be considered in the same

light as other costs, such as machinery, raw materials, and advertising.

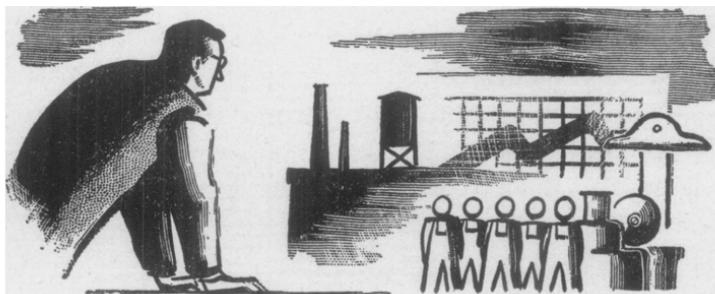
The manager's horizon tends to be fixed at the border of his own firm, since he is primarily, if not exclusively, concerned with its economic health. The union, by contrast, keeps its eye on the entire industry since it represents the employees of many companies. The manager normally resents being lumped together with his competitors in bargaining, while the union normally prefers industry-wide bargaining.

Although this atomistic attitude is basic, management, like unions, is influenced by what happens elsewhere. It frequently "follows the leader" in labor relations as in other policies. On the whole, the larger the firm the more indifferent it is to what other companies do and the smaller it is the greater the influence of these considerations.

2. THE MANAGERS

The average American employee, and particularly the employee who is a union member, works for a large or fairly large employer. In 1939, for example, 51.5 percent of all wage earners in manufacturing worked in plants with 250 or more employees. These firms, however, were only 3.2 percent of the total number in manufacturing. In other areas, for example, wholesale and retail trade, construction, and mining, the small employer is more common.

The very large corporation with assets of over fifty million dollars is probably the leading form of business enterprise in the United States. In such firms management is professional, holding an insignificant ownership interest. It, however, makes the decisions and tends to stay in power. Top executives make broad policy, while the lower echelons administer it.



The owners, stockholders, are usually inactive, having little direct concern with the operations of the corporation. The directors often do little more than select the officers, although there are cases in which they play an active role. Both groups tend to stand in the same ratifiatory relationship to management that the union membership does to its leadership.

In the small firm, on the other hand, there is usually an identity of ownership and control. Typically, the manager is the sole or leading owner and he alone has the authority to make decisions.

Management is directly concerned with a greater

range of economic problems than the union. It must decide the volume and method of production, prices, marketing, finance, the size and location of plants, products, distribution of profits, as well as labor policy. The last, therefore, is one among many problems and is frequently less important to management than others. For the union, on the other hand, it is paramount.

A result is that union leaders are sometimes better informed and more adept at bargaining than the men on the other side of the table. The large corporation and the employers' association can overcome this disadvantage by hiring specialists. The owner-manager, however, must usually bargain alone.

3. MANAGEMENT PROCEDURES IN BARGAINING

Management procedures vary in accordance with the size and structure of the employer unit, that is, the small firm, the large multiplant corporation, and the negotiating employers' association. The characteristics of the first two units have already been described. The third, like the union, is an attempt to redress an imbalance of bargaining power. Small, weak employers band together in face of a large powerful union. Associations are common in industries and towns where such employers predominate, for example, construction, men's and women's clothing, coal, and in San Francisco and New York City.

a. *Formulating policy.* In small concerns policy is made by the principal negotiator, often the operating executive, who may consult lower management down to foremen. Sometimes such companies create a lower-level negotiating committee to draft a program after discussion with top management. Leading executives of multi-plant corporations often call in heads of departments and divisions for consultation before making decisions. Employers' associations hold membership meetings or, if the number is large, conferences of representatives to lay down a program before sitting down with the union. The directors of the association or its negotiating committee are responsible for the final drafting. It is unusual for the members to ratify the program at this stage.

b. *Conducting negotiations.* The negotiating committee for the small firm consists of the operating executive and those assistants he brings along. In large single-plant concerns the executive vice-president may head the committee accompanied by superintendents and even foremen. The multiplant corporation committee follows this pattern but adds the industrial relations director, who serves as adviser to the line executive. Employer association committees are usually chosen by the president or board of the organization, although the members may elect them. They normally balance representation among the interests within the association.

Selection of negotiators is of great importance, since they must be adept at bargaining and possess knowledge

of the union, the industry, and the entire business operation. This is the reason why final authority is usually lodged in a line executive rather than the industrial relations director.

c. *Accepting the contract.* Authority of the committee to conclude an agreement depends upon whether the executive with final power is present. In small firms this is the case. Top management in larger concerns commonly refrains from participating in the early phase of negotiations to gain a tactical advantage. Occasionally action requires the approval of large stockholders, bankers, the directors, or key customers. Such "ratification," however, is informal and swift as compared with the union. Some employers' associations give their committees at the outset full powers except on key issues; others grant a range of authority that they may not exceed; and many delegate unlimited power. The committees then submit the contract to the members for ratification. Sometimes it takes effect only after individual members have signed. In others majority approval is sufficient.

V. The Conduct of Bargaining

I. BARGAINING PHASES

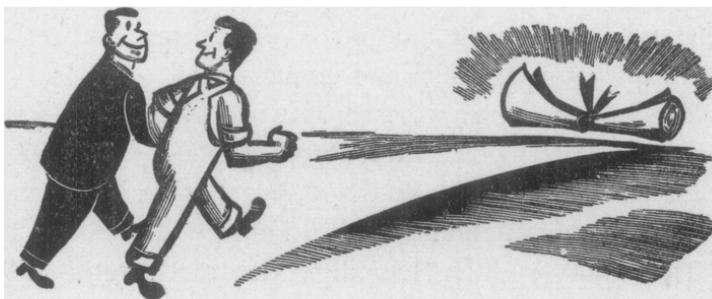
COLLECTIVE BARGAINING is divided into two phases: The first period involves forming the union and winning recognition from the employer. The second begins with recognition and entails negotiations and relationships between union and employer.

The second, in turn, consists of two elements: The first is the negotiation of a contract by the parties. The second is the settlement of day-to-day grievances over the contract's interpretation and application.

These stages differ basically. Contract negotiation usually involves issues of greater importance. A general wage increase, for example, affects all the employees, while the interpretation of a seniority provision affects only a handful and sometimes only one. Further, in negotiating the agreement the union may make any demand it likes and the employer may counter with equal freedom. In the administration of a contract, on the other hand, each is required to remain within its limitations. Contract administration, however, may have greater importance to the parties than contract negotiation because the former is a continuing rather than an occasional function.

2. BARGAINING SYSTEMS

The bargaining system is the framework within which collective bargaining takes place, that is, the number and character of the principals for whom the negotiators on each side speak. It may, for example, include one or several employers within the same or related industries or one or several craft or industrial unions. The system



influences the union's power, the employer's tactics, and the provisions of the contract. Often it is so important that it cannot be divorced from conduct in negotiations.

a. *Determining the system.* The bargaining system is shaped by three forces: the union, the employer, and the government. The union, the initiating force, is often the most important influence. The policies of the others are sometimes little more than responses to union demands.

Normally unions try to form the bargaining unit on the broadest possible basis, to approach industry-wide bargaining over the whole competitive area. Exceptions are

based on two factors: the extent of the union's organization and the economic character of the industry. An example of the first is a union that divides an industry with a rival. Here the organization favors a system covering only its own territory. This is union-wide rather than industry-wide bargaining. The second exception applies in industries that sell their products locally, for example, house building, where it is impossible to conduct national negotiations.

Union goals in industry-wide bargaining are: (1) its own security following acceptance by all employers in the industry; (2) administrative efficiency in negotiating one rather than many contracts; (3) greater bargaining power based on ability to strike all competing firms; and (4) job control throughout the industry to promote uniform wages and working conditions. With regard to the last, craft unions press for the same wages for all craftsmen doing the same work. Industrial unions seek this goal plus "taking wages out of competition," that is, requiring competing employers to pay the same rates regardless of differences in employee productivity.

The employer normally favors bargaining alone for the reverse of these reasons. He tends to join other employers in an association, however, when the union's strength exceeds his. Small employers often band together in self-defense, "matching heat with heat." They may also do so in highly competitive industries where association bargaining is a stabilizing force, for example, men's clothing.

The government enters through the power of the National Labor Relations Board (and state boards) to determine the appropriate bargaining unit. If the parties agree on the unit, NLRB normally accepts their view. If they disagree, it bases its decision on the standards of prior history of structure and community of interest of the employees. The first standard, and the more important, tends to reflect the union's policy.

b. *Types of systems.* Bargaining systems, Frank C. Pierson notes, are of three types:

- (1) *Single firm.* Negotiations are confined to one company or plant and reflect its particular problems. Although the commonest form, it is, when realistically viewed, comparatively rare, since unions do not normally permit the conditions in individual firms to fall materially below their competitors. Hence this type is often a variation of the second.
- (2) *Pattern-following.* Bargains made elsewhere determine or influence the single-firm negotiations. The union comes to the table as spokesman for employees in the industry. Employers may even consult among themselves prior to taking action, thereby creating an informal association. Pattern-following bargaining may be local, regional, or national. Similarly, it may be on a craft, industry, or interindustry basis.
- (3) *Multiemployer.* Employers create a formal negotiatory association. Member firms may retain authority to reject a contract or they may grant the association complete power. It is common locally and less frequent regionally and nationally. It may have either a craft or industry base.

3. THE BARGAINERS

Effective bargaining, in addition to economic power, requires expert knowledge and bargaining skill. Management representatives must be familiar with their own business, the industry, and the union. Labor spokesmen must know the technical and financial situation of the firm and the attitudes of the workers. Negotiating skill calls for ability to seize the initiative, to anticipate the adversary's action, to ask for more than is expected, and to exact a price for a concession. The bargainer therefore needs an unusual combination of talents: intelligence, economic training, skill in handling people, courage, good humor, persuasiveness, and firmness.

VI. Labor-Management Disputes

1. WHY DISPUTES?

SOcial relations produce a measure of friction. Husband and wife sometimes end in the divorce court; nations sometimes go to war. Similarly, unions and management at times fail to agree and resort to strikes and lockouts. Unrest also takes the less dramatic forms of labor turnover, absenteeism, soldiering on the job, and accidents. "Industrial conflict," B. M. Selekman observes, "is . . . a characteristic, rather than a catastrophic, aspect of human relations." The fact that industrial disputes exist serves as a challenge to management, unions, and the public to minimize them.

2. SOURCES OF DISPUTES

Industrial strife arises primarily from concrete conditions rather than villainy. The "bloated capitalist" and the "labor agitator" are useful in propaganda but do not help us to understand. Labor-management conflict has three main sources: the worker, the union, and the employer.

a. *The worker.* The worker's grievances are both psychological and economic. The factory tends to provide little outlet for his creative impulses, usually leaves him without a sense of belonging, gives him little choice over what he does, and confers no prestige upon him. The standard he applies to his work is the pay envelope. Since he can see little direct connection between his wages and profits, he seldom identifies himself with the success of the business. He is resentful if management is or appears to be arbitrary in its treatment of him.

The worker is also concerned about his economic position. He often feels that his income is insufficient, that hours are excessive (no longer a general grievance) or poorly arranged, that work is hazardous, or that inadequate provision has been made for illness, old age, and unemployment.

b. *The union.* The union is itself a source of conflict. It insists upon acceptance by the employer in the bargaining relationship. This usually entails management underwriting of its security through a form of the closed shop as well as union participation in making decisions. In addition, the union may have a conflict of jurisdiction with a rival organization.

c. *The employer.* The employer is also jealous of his prerogatives, particularly when the union seeks to limit his freedom of action in a vital area. He is, as well, concerned about union observance of the contract and the effect of employee attitudes and union policies on costs.

3. FORMS OF DISPUTES

Unions and employers have fashioned a variety of devices with which to express their grievances. On each side the final power resides in the withholding of labor or jobs. The union's principal techniques are the strike, the slowdown, and the boycott.

The *strike* is a concerted stoppage of work by the usual employees of the employer to express or enforce a demand. The stoppage is temporary, that is, the strikers regard the vacated jobs as theirs alone and intend to return to them.

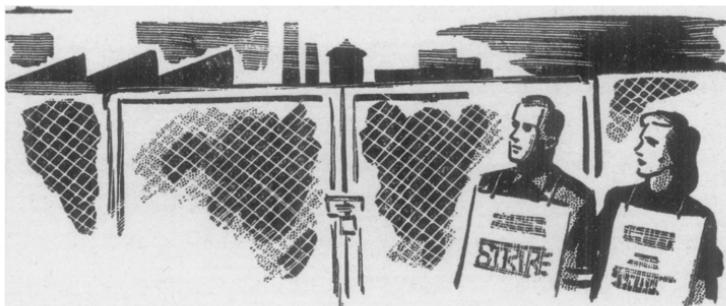
In the *slowdown*, a less effective form of the strike, the workers reduce output without actually leaving the plant.

The *boycott* is a concerted effort to withdraw or induce others to withdraw from economic intercourse with an employer for the purpose of curtailing his operations. The agency may be the union, other unions, other employers, or the public.

Since the initiative is usually in the hands of the union or the employees, the employer's weapons are basically defensive. He seeks to operate his plant in face of a strike, to step up output to counter a slowdown, and to maintain the market despite a boycott. On rare occasions, however, the employer takes the offensive in the form of the *lockout*. With it he informs his employees that their jobs no longer exist.

4. THE STRIKE

The strike is by far the most important of these techniques. This is because it is the most effective weapon of the party which usually takes the initiative. This effectiveness, at bottom, is what makes bargaining "collective." Without the strike, workers and unions would be virtually helpless to enforce their demands.



Recognizing this, unionists developed the strike at the very beginning of their organizations. The first "turn-out" in the United States, by Philadelphia printers, occurred in 1786.

5. UNION STRIKE PURPOSES

The strike is a means rather than an end in itself. It may therefore be called for the following purposes, among others:

a. *Recognition*—to compel an employer to recognize the union as bargaining agent for his employees. Such a

strike is a contest over power and can be settled only by victory or defeat with no possibility of compromise.

b. *Terms of the contract*—to determine wages, hours, and working conditions as well as the status of the union. Produces by far the most strikes. They are often readily adjustable when the issues are economic but may be tough if union security is involved.

c. *Interpretation or application of a contract*—to enforce the employee's and employer's grievances based on rights granted by the contract. Most contracts, however, prohibit such strikes, providing an alternative in the grievance procedure.

d. *Jurisdiction*—to enforce a claim to bargain in face of a similar claim by a rival union. Difficult to adjust.

e. *Sympathy*—a stoppage called by a union not directly party to a dispute to compel an employer to accept another union's demands.

f. *Political*—to compel the government to change its policy or, in the case of a revolution, to change the form of government or to overthrow the social system. Since the employer is not involved, there can be no direct settlement by the parties.

6. UNION STRIKE CONDUCT

A strike, like war between nations, is very costly and especially so to the union and the workers. Hence responsible unions normally call strikes only after peaceful

alternatives have been exhausted and as a calculated risk. The International Ladies Garment Workers, for example, warns its organizers that "no group of workers experienced in unionism will strike except as a last resort."

a. *Calling the strike.* Union constitutions lay down rules for calling strikes in order to prevent hasty action and to enhance the prospect of winning. They require at least a majority vote of the affected members as well as the approval of the international president or general executive board before a strike is called. The secret ballot and attendance of at least one-fourth the members are commonly required.

The timing of the strike is crucial. It is most effective at the height of the employer's season and the workers can sustain loss of income best during warm months. If the busy season occurs at this period, the union strives to make its contracts expire at this time.

b. *Conducting the strike.* Once the strike begins the union's front line activity is picketing. The purposes of picketing are to inform the uninformed that a strike is under way, to induce all the workers to go out, and to prevent those who want to work from entering the plant by persuasion if possible. A large number of pickets is more effective than a small number. "Mass picketing," however, is more likely to lead to violence.

During the stoppage the union maintains the morale of the strikers by stressing their grievances, by calling on their loyalties to the union, and by denouncing the

employer. Enthusiasm may lag from memories of lost strikes, fear of privation and discrimination, shop loyalty, an individualistic tradition, and a resumption of production. Mass meetings, publications, and house calls help morale. Strike enthusiasm often recruits new members.

To tide strikers over the emergency the union often pays them benefits out of its defense fund. In a long struggle it may call for financial help from other unions or the public, distribute food through a commissary, and urge strikers to take temporary jobs elsewhere.

The union employs legal counsel for protection against court orders and police intervention or to invoke them against the employer. It tries to win public sympathy by getting its case stated in newspapers or on the air.

c. *Ending the strike.* Union constitutions usually require that the decision to call off the strike be approved by a majority of the members as well as by the officers. A few give the international president power to end the stoppage in the interest of the organization. The officers normally have this authority when strike benefits are paid. In its settlement with the employer the union strives to get him to take back all strikers without prejudice.

7. EMPLOYER STRIKE CONDUCT

The employer, as well, tries to avoid a strike because the costs are heavy: loss of production, dried up profits, interrupted trade connections, advantages to competi-

tors, continued overhead charges, and deterioration of inventories.

In face of a union demand combined with a strike threat, the employer balances these losses against the costs of concession. If he decides to resist, he suffers the disadvantage of giving the union the initiative. On occasion, however, he deliberately provokes a strike to weaken the union. The employer seeks to time the expiration of the contract during his slow season and the winter months.

During the strike his basic purpose is to continue operations. He may then seek an early settlement with the union or may decide to resume production without one. In the latter alternative his main problem is to recruit a work force. This may be done by assigning supervisory employees to production jobs, by persuading strikers to return, and by hiring new employees. He may appeal to the loyalty of strikers or may threaten them with loss of jobs and seniority. His ability to recruit new workers hinges on the number of unemployed and the skill and training required by the jobs.

The employer attempts to protect those who go through the picket line. This sometimes requires legal counsel, a court order, or police intervention. Occasionally the employer asks friendly firms to supply materials or fill his orders. He also presents his case to the public.

The employer must then negotiate the strike settlement. New issues that crop out during the stoppage may

complicate reaching an agreement. He may, for example, refuse to take back those responsible for violence. Finally, he must place the plant back in production, sometimes difficult in the case of complex or continuous operations.

8. VIOLENCE

Violence in recent years has not normally accompanied strikes. In 1947, for example, the 3,693 strikes involving over two million workers reported by the Bureau of Labor Statistics produced no deaths and 122 injuries. The great majority, in fact, are conducted peacefully. Newspaper readers probably have an exaggerated view of the extent of violence since it makes headlines and settlements do not.

a. *Sources of violence.* Since the strike is a form of pressure conducted in a tense atmosphere, the line between persuasion and direct action is often shadowy. Loyalties to union and to employer are heightened during the crisis and tempers are on edge.

Since the union's goal is to stop production and the employer's is to maintain it, violence usually springs either from the employer's effort to bring replacements into the plant or from the union's effort to prevent them from entering. Conflicting attitudes toward jobs make this area potential dynamite. The striker feels that he retains possession of the vacated job and in his eyes the

“scab” takes away his source of livelihood. The employer regards the job as open and fills it with anyone available.

The picket line usually provides the arena. If the strikers cannot keep replacements out by persuasion, the next step, as they see it, may be to obstruct entrance. If the replacements cannot enter freely, the employer, similarly, may be induced to provide protection for them.

b. *Responsibility for violence.* Since the line where persuasion ends and intimidation begins is hard to draw, placing blame for violence is often difficult. The reasons for its use in a particular case are usually complicated and it cannot be blamed on either side alone. Probably more often than not it is a spontaneous reaction in a charged atmosphere rather than a premeditated act.

9. STRIKE STATISTICS

a. *Number of strikes.* The Bureau of Labor Statistics informs us that the number of stoppages in recent years is as follows:

| <i>Year</i> | <i>Number of stoppages</i> | <i>Workers involved</i> | <i>Percent of working time lost</i> |
|-------------------|----------------------------|-------------------------|-------------------------------------|
| 1935-39 (average) | 2,862 | 1,130,000 | 0.27 |
| 1945 | 4,750 | 3,470,000 | 0.47 |
| 1946 | 4,985 | 4,600,000 | 1.43 |
| 1947 | 3,693 | 2,170,000 | 0.41 |

A conclusion is that most collective bargaining is carried on without resort to strikes or lockouts. On the basis

of the Bureau's estimate of 100,000 contracts, 96.7 percent of negotiations resulted in settlements without stoppages in 1947. The working time lost was only a fraction of one percent. The length of the average strike is about 25 days.

b. *Strike issues.* Wages is by far the most important cause of strikes. The form this issue takes varies in relation to business conditions. Demands of unions for wage increases are very important in good times and decline during depressions. Insistence of employers upon wage decreases are important in bad times and taper off during prosperity. Controversies over hours are no longer a significant cause of strikes although they were several generations ago. Union recognition was an important factor in the period 1934-37, and has declined since.

c. *When strikes occur.* The number of strikes is directly related to business conditions. When they are favorable and prices rise, unions raise their sights in bargaining and call strikes more frequently. An increase in the cost of living in particular goads them to action. On the other hand, when business declines and prices fall, unions lower their demands and strike less readily.

There are marked seasonal patterns in the number of strikes. They are determined by existing seasonality in business activity and the greater ability of workers to withstand loss during warm months. As a result, the volume of strikes rises in the early spring to a May peak and remains at a high level until late summer. The low point is reached in December.

10. THE COST OF STRIKES

The cost of economic warfare is heavy, particularly to those directly involved: the worker, the union, and the employer. Frequently the public, too, is subjected to losses. No one, however, has succeeded in measuring the cost of strikes in dollars and cents. Even a direct element like wages lost is difficult to estimate, while offsetting factors, such as the introduction of machinery, are incalculable.

Although the cost of strikes is unknown, everyone regards it as excessive and those who recognize this first of all are unions and management. It is upon them primarily that the successful operation of collective bargaining and the gradual reduction in the number of strikes depends. The public, however, also has obligations—to learn more about collective bargaining and from that knowledge to assist in shaping responsible public policy.

VII. Suggestions for Further Reading

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