

Longshore industry
(1947)

Pacific Coast Longshore Safety Commission.

Report and recommendations

THE UNIVERSITY OF WISCONSIN
Madison 6

Law School

November 19, 1947

Mr. Frank P. Foisie, President
Waterfront Employers of the Pacific Coast
16 California Street
San Francisco, California

and

Mr. Harry Bridges, President
International Longshoremen's and Warehousemen's Union, CIO
604 Montgomery Street
San Francisco, California

Gentlemen:

I have the honor, in behalf of my colleagues and myself, of submitting to you the final report and recommendations of the Pacific Coast Longshore Safety Commission.

In the course of its tour of inspection, the Commission had occasion to contact district, port, and local officials of the WEA and the ILMU, as well as representatives of individual shipowners, stevedoring contractors and terminal operators. I take this opportunity, in behalf of my colleagues and myself, to express the deepest appreciation for their invaluable courtesy and cooperation.

I cannot permit the work of the Commission to come to a close without a word of thanks to the parties themselves for having flanked me with such able, conscientious and congenial associates as Mr. Joseph H. Travers and Mr. Cole Jackman.

Respectfully submitted,

/s/ Nathan P. Feinsinger

Nathan P. Feinsinger, Chairman
Longshore Safety Commission

NPF:jm

REPORT AND RECOMMENDATIONS

OF THE

PACIFIC COAST LONGSHORE SAFETY COMMISSION

INCLUDING OPINIONS OF THE UNION MEMBER AND THE INDUSTRY MEMBER

Cole Jackman

Joseph H. Travers

Nathan P. Feinsinger,
Chairman

November 19, 1947

TABLE OF CONTENTS

Origin and Purpose of the Commission	1
Procedure Used by Commission	2
The Commission's Approach to its Report	5
Part I -- Accident Prevention	7
History and Current Status	7
Accident Facts	8
Training and Follow-up	9
Inspection and Correction	10
Codes and Minimum Standards	12
Proposed Program of Accident Prevention Administration	14
Recommendations Pertaining to Particular Hazards	18
1. Recommended changes in or addition to the rules in the present code	19
2. General recommendations to the parties	24
3. General recommendations to the proposed safety committees	29
Part II -- Other Matters Relating to Health and Safety	31
Work after Midnight	31
Length of Shifts	31
Night Work on Especially Hazardous Cargoes	32
Part III -- Of Cabbages and Kings, Including Jurisdiction	33
Jurisdiction	35
Medical Plan	38
Supplemental Compensation	38
Special Skilled Gangs	39
Medical Examinations to assure or maintain fitness for job	39
Conclusion	40
Appendices	i

ORIGIN AND PURPOSE OF THE LONGSHORE SAFETY COMMISSION

✓ The Longshore Safety Commission is a tri-partite agency established by agreement in November 1946, renewed in June 1947, between the Waterfront Employers Association of the Pacific Coast (WEA) and the International Longshoremen's and Warehousemen's Union, CIO (ILWU). The original and revised demands of the ILWU, and background material, are attached hereto as Appendix "A". The agreement provides as follows:

"Section 11(g). The employers shall provide safe gear and safe working conditions. The Union and the Employers agree to abide by the rules set forth in the existing Pacific Coast Marine Safety Code, which shall be applicable in all ports covered by the Agreement, except as modified by the parties.

✓ (2) The Union and the Employers recognize that Longshore employment is especially hazardous to life, limb, and health; that every possible effort should be made at all times by the Employers and employees to eliminate or reduce to an absolute minimum the hazards involved; and that the attainment of this latter objective requires full and sincere cooperation between the parties to this Agreement and full cooperation with the Safety Commission.

(3) Pursuant to the principles set forth above, the Union and the Employers agree that there shall be created forthwith a Longshore Safety Commission, hereinafter called the Commission. The Commission shall investigate all the problems of health and safety in longshore employment under this Agreement (excepting the administration of safety rules); the present rules and practices pertaining thereto and the experience thereunder; and proposals for the improvement of such rules and practices. Nothing in this safety agreement shall be interpreted so as to restrict the scope of the Safety Commission's investigations and recommendations into all problems of health and safety.

(4) Mr. K. P. Feinsinger will submit as expeditiously as possible a list of names for consideration by the parties in selecting the members of the Longshore Safety Commission. Each of the parties shall have the right to reject any or all of such names. In the event the parties have not agreed on three (3) members for such list to constitute the Longshore Safety Commission within ten days after such list is submitted to each of them by Mr. Feinsinger, the Impartial Chairman under the Longshore contract shall appoint any or all of the three (3) members of the Longshore Safety Committee not theretofore agreed upon by the parties.

(5) Immediately following its appointment the Commission shall meet with the parties in San Francisco to obtain their suggestions as to its procedure. The Commission shall then proceed to make such investigation as it may deem necessary to accomplish the purpose of this section. The Commission shall have authority to formulate rules for the conduct of its meetings and its investigations. All necessary fees and expenses of the Commission not otherwise provided for, shall be shared equally by the Union and the Employer.

(6) The Commission shall submit a written report and written recommendations which shall be advisory only, to the parties within thirty (30) days following the commencement of its investigations, or such additional period as the Commission may find necessary for the proper performance of its duties."

The original intention was to secure three safety experts having no connection with the parties. When the list of available experts was exhausted, the matter of appointment was left to the Impartial Chairman. The latter, after consultation with and approval of the parties, designated Mr. Nathan P. Feinsinger, Professor of Law, University of Wisconsin, as the Chairman of the Commission. The W.E.A. appointed Mr. Joseph H. Travers, Manager of the W.E.A. Accident Prevention Bureau. The I.L.W.U. appointed Mr. Cole Jackman, former member of the Coast Labor Relations Committee.

✓
61 ships & so many docks

PROCEDURE USED BY COMMISSION IN ITS INVESTIGATION

The Commission held its organizational meeting on July 17, 1947, and on August 4, 1947 adopted a program and itinerary. The itinerary was as follows:

San Francisco, August 4 through 9, 1947

<u>Ships Visited</u>	<u>Foreign or American Owned</u>	<u>Piers Visited</u>
Bali	Foreign	92
Hawaiian Citizen	American	90-B
Boogabilla	Foreign	Western Sugar Ref. Dock
Pacific Transport	American	54
Tosca	Foreign	28
Robert C. Greig	American	C & H Dock-- Crockett
Mahirahi	American	Oakland Army Base
New York Victory	American	Encinal Term., Ala.
New Zealand Victory	American	Naval Supply Depot, Oakland
Greenville Victory	American	32
Jackson Victory	American	30

San Francisco, August 4 through 9, 1947 (continued)

<u>Ships Visited</u>	<u>Foreign or American Owned</u>	<u>Piers Visited</u>
William Pepperell	American	46
William Floyd	American	90
Hawaiian Educator	American	50
James Trask	American	
General Anderson	American	
Grinnell Victory	American	
Zelina	American	
Matsonia	American	
Hawaiian Planter	American	
E. R. Squibb	American	
Contest	American	

Los Angeles - Long Beach Harbors, August 11 through 15, 1947

Villanger	Foreign	L.B. 49
William V. Moody	American	L.B. A-7
Ocala Victory	American	Wilms. 146
Mahimahi	American	Wilms. 159
Maunalei	American	Wilms. 156
Wairuna	Foreign	Wilms. 178
Panama	Foreign	Wilms. 187
William Leavitt	American	T.I. 230-B
Navajo Victory	American	T.I. 230-B

Seattle, September 8 through 12, 1947

Willamette Victory	American	Pac. Coal C. Dock
Howard Stonebury	American	38
Flemish Knot	American	42
Edward Mallett	American	29
Paducah Victory	American	25
Baylor Victory	American	Ames Terminal
Achenar	American	83
Sussex	American	90
Skaubo	Foreign	56
Bolivia	Foreign	57
E. A. Bloomquist	American	20
Lakonia	Foreign	20
Mt. Greylock	American	
Baranof	American	

Portland - Coos Bay, September 13 through 17, 1947

Port on Bessin	Foreign	Term.#4, Portland
Sonoma	American	Clark & Wilson Dock
Tantera	Foreign	P & T Dock
Alex R. Shepherd	American	Interstate Terminals
Hoyanger	Foreign	Term.#1, Portland
E. A. Bloomquist	American	Columbia Basin Term.
Bessemer Victory	American	West Coast Terminal
Billy Mitchell	American	Sitka Dock, Coos Bay

Portland - Coos Bay, September 13 through 17, 1947 (continued)

<u>Ships Visited</u>	<u>Foreign or American Owned</u>	<u>Piers Visited</u>
Carl E. Ladd	American	Cape Arago Dock, Coos Bay
Skaubo	Foreign	Old Town Mill, Coos Bay
Madoera	Foreign	Mill B. Dock, Coos Bay
John Bakke	Foreign	Central Dock, Coos Bay
Joe C. Blackburn	American	Portland Dock, Coos Bay
Harmatris	Foreign	Coos Bay Lumber Co. Dock
Fort St. Francis	Foreign	S.P. Siding, Portland
Stanford Hill	Foreign	I.P. Dock, Portland

On its tour of inspection in each port area the Commission was accompanied by the District Supervisor of the Accident Prevention Bureau and a representative or representatives of the local Union. At the conclusion of each day's inspection the observations of the Commission were put into written form. After the first day or so, the W.E.A. and I.L.W.U. representatives alternated in dictating the summary. After being written up, the summary was read, amended where necessary, finally approved and signed by the members of the Commission. All summaries were approved and signed unanimously. Copies of the daily summaries, with names of ships and docks omitted, are attached hereto as Appendix "B".

In each port area the Commission met separately ^{1/} with the local representatives of the employers and the union. The purpose of these meetings was to endeavor to obtain a full and frank discussion of the problems of health and safety in this industry as viewed by the local representatives of the parties, and to compare the attitudes and experiences in the various port areas.

In each port area the Commission reviewed the reports of 1809 (total) accidents which occurred in the first quarter of 1947, and checked them against its own observations. Comments relating to the accidents and reports are contained in Appendix "C".

After completing its itinerary the Commission returned to San Francisco on September 18, to hold separate conferences with representatives of the parties before drafting its report. In addition, the Commission conferred with Messrs. E. P. Herges, Safety Director, and A. F. Schmitz, Safety Consultant, Bureau of Employees' Compensation, Federal Security Agency, in their capacity as experts. From September 29 to and including October 4, the Commission met in Madison, Wisconsin, to draft a tentative report. A second completed draft was made available to the parties for study and comment. Neither party made any comment.

^{1/} By agreement, all separate meetings with union representatives were attended by the Chairman and Mr. Jackman; with employer representatives, by the Chairman and Mr. Travers.

THE COMMISSION'S APPROACH TO ITS REPORT

In seeking the most constructive approach, the Commission decided to divide its report into three parts. Part I deals primarily with matters involving accident prevention as such. Part II deals with other matters related to health and safety, such as length of shifts, night work and the like. Part III deals with the Union's proposal for a medical plan and a "health and welfare" fund, and with a suggested plan for special skilled gangs and medical examinations.

The Commission has not attempted to write a treatise on health and safety. It has confined itself to the problems raised by the parties either directly or through their representatives on the Commission, considered in the light of the Commission's own observations. With respect to a solution for those problems, the Commission has accepted well established principles.^{1/} In applying these principles, however, the Commission has given special consideration to the operating factors peculiar to this industry, the history of accident prevention therein, and the present relations between the parties.

The operating factors peculiar to this industry which bear directly on the problems of health and safety in general and accident prevention in particular, as viewed by the employers,^{2/} are as follows:

1. In some instances, stevedoring operations are carried on by companies which also carry on shipping and dock operations. In the main, however, the three types of operations are performed by different companies. This leads to a division of responsibility for maintaining safe conditions and in general complicates the problem of developing an effective and integrated accident prevention program.

Thus, for example, the ship and its crew are responsible for maintaining and rigging ships gear and accomodation ladders or gangplanks which must be used by the longshoremen. However, the stevedoring contractor is responsible for seeing that the gear, etc., are in safe condition before being used by the longshoremen. This provides opportunity for "passing the buck" when something goes wrong. And, since stevedoring is highly competitive, there is a natural reluctance on the part of any particular stevedoring contractor to press the shipowner for necessary corrections.

2. Vessels on which stevedoring work is carried on may be owned by foreign interests, governmental or private, or by the U.S. Maritime Commission, whose consent must be obtained for needed alterations. Piers and terminals are often owned by states, municipalities, and railroad or other interests, and leased to the terminal operator, who is not usually in a position to dictate terms. The condition of the cargo--poor containers, etc., is often traceable to the shipper, over whom the stevedore may have little or no control.

^{1/} Concerning accident prevention in particular, the Commission has been guided by the principles outlined by Frederick G. Lippert, Accident Prevention Administration (1947). See also Appendix "E".

^{2/} For the Union's view, see Appendix "D".

3. Stevedores must accept gangs and individuals assigned by the Union dispatcher. They do not select their employees, and therefore there are no "steady" or "preferred" gangs. The resulting difficulties from the point of view of accident prevention, are (1) lack of opportunity for employees, as a rule, to specialize in particularly dangerous cargoes such as steel, and (2) lack of opportunity for employees to develop complete familiarity with company policies regarding safety where they exist or might be established, as in the case of the ordinary employer-employee relationship.^{1/}

4. Finally, individual stevedoring companies do not as a rule maintain safety experts or accident prevention specialists. This function is performed by the Accident Prevention Bureau of the Waterfront Employers Association of the Pacific Coast, an association of employers for the purposes of labor relations.

5. Some of the conditions making it difficult for the stevedore to make or secure needed corrections of unsafe conditions or practices are temporary, such as the reference above to the U.S.M.C.; the war time necessity for frequent changing of mates aboard vessels, preventing familiarity with company policies; and the prevalence of companies started during the war as agents rather than owners and which do not intend to remain permanently in the industry. Most of the conditions creating difficulty, however, are permanent in character.

The history and current status of accident prevention activities is reviewed in the following section of this report. The present relations of the parties leave much to be desired as a basis for effective cooperation in accident prevention. In this connection the following quotation from Lippert, on page 69, might be considered.

"Experience shows that some of the best cases of union-management cooperation on accident-prevention matters are had where a good working relationship on other matters already exists. But, in cases where management and the union have hitherto not worked well together, the matter of union participation in accident prevention has sometimes proved to be an excellent foundation for building a better relationship."

^{1/} For the Union's view to the effect that the use of steady or "preferred" gangs in the past increased rather than decreased accidents, see Appendix "F".

PART I - ACCIDENT PREVENTION

History and Current Status of Accident Prevention Activities¹

Organized accident prevention activities on the Pacific Coast began in 1924. These activities were eventually integrated on a coast-wise basis under the supervision of the Accident Prevention Bureau, with headquarters in San Francisco, Los Angeles harbor, Seattle and Portland. The present staff of the APB consists of the following:

Headquarters, San Francisco - Manager
San Francisco District - District Supervisor and 3 assistants
Los Angeles District - District Supervisor and 1 assistant
Puget Sound District - District Supervisor and 2 assistants
Columbia River District - District Supervisor

The APB is responsible and reports to a top policy committee representing the Pacific American Ship Owners Association² and the Waterfront Employers Association of the Pacific Coast. Each of the four districts has a committee representing stevedoring companies, which directs the local activities of the APB.

While at one time there was employee participation in the accident prevention program³ there is no such participation at present by employees or by the Union. This fact is worthy of note in view of the following statement made in behalf of the WEA.⁴

¹For a complete summary by the WEA and comments by the ILWU, see Appendix "G".

²An association of ship owners for the purposes of labor relations. Shipowners (domestic and foreign) are also members of the WEA, along with terminal operators and stevedoring contractors.

³See Rule 103A, Pacific Coast Marine Safety Code, Rev. Ed., November 6, 1931.

⁴Appendix "B", Accident Prevention on the Pacific Coast, p. 9.

"While there is still room for closer inspection and maintenance of gear and equipment, the chief weakness in the accident prevention program lies in the matter of controlling methods and acts. 75% of the injuries which are suffered by longshoremen are due to causes which can be removed only through training of the men in safe acts and practices. Only through the cooperation of the union in permitting and encouraging the men to be trained and directed in stevedoring operations, can a material decrease in accidents be brought about from this point forward." --emphasis added.

Accident Facts

After careful consideration the Commission has concluded that any attempt to reconcile the conflicting positions of the parties in the matter of accident statistics¹ and their meaning would be futile, and that in general, an appraisal of the problems investigated by the Commission in statistical terms would only lead to confusion and conflict.

As to procedure, the investigation and reporting of accidents is a function of each company individually.² Investigations are conducted by the "foreman" or "walking boss" who also writes up the first report. Serious accidents may be investigated by the superintendent personally or by an assistant, or, when requested by the company, by a representative of the APB. Aside from the latter, the management representative is not as a rule trained in accident investigation or reporting.

The form of first report varies, although the APB has recommended a standard form. A report is also made by each company on a form provided by the federal or state compensation agency involved. Some companies furnish the APB with one form, some the other, some both. In its study of over 1800 accident reports, the Commission observed that the reports as presently written are often inadequate to indicate the cause of the accident, the responsibility therefor, or proper corrective action.

The APB analyzes all reports received³ and measures the results in terms of disabling and compensable accident frequency⁴ but not severity. It does not measure injury costs, direct or indirect, except as reflected in annual insurance premium rates.

¹See Appendices "G" and "H"

²See Appendix "HH"

³Reports from Coos Bay were received irregularly up to 1947.

⁴A "disabling injury" as used by the APB for its statistical purposes is one which results in the injured worker being unable to work on his next regular shift. A "compensable injury" is one which causes loss of time of 8 or more days.

These premiums include loading costs, are weighted by the experience of other than WEA members, and, while reviewed annually, such review is on the basis of the previous five years experience. Thus there is no accurate method, at present, to measure the success of the accident prevention program for the group of employees directly involved from year to year, in terms of total costs and savings.¹ If, in addition to the data now supplied (accident reports and man hours) the APB were supplied with medical and compensation costs and payroll figures for each employer, such a measurement could be made.

The Union does not participate in the investigation, reporting or evaluation of accident data. As a result it therefore must rely exclusively on information supplied by the injured worker, or by the "gang steward". The Union data quite naturally varies from the employers'. Thus in Coos Bay, for example, the Union reported six recent cases of hernia, and the employer one. A situation of this kind, as the Commission has observed, tends to create mutual suspicion and distrust.

Training and Follow-Up

Training of all ranks of supervision and longshoremen in the application of accident prevention principles and consistent follow-up is a major factor in the administration of any accident prevention program. Prior to the 1934 strike a safety program was in effect for executives and supervisors at the higher levels, as well as for foremen or walking bosses. In addition, a series of first aid courses for longshoremen was given in Los Angeles and San Francisco. Safety posters and various publications by the APB were and are used, although no effort is made to obtain suggestions from the Union or employees prior to posting or publication.

Aside from the posters and publications, the training program along with safety drives and contests, was abandoned after the 1934 strike. The WEA has recently attempted to revive a training program for foremen, but these efforts are enmeshed in the current dispute concerning organization and representation of the walking-bosses. As to the longshoremen themselves, the Committee is firmly of the opinion that a program of training in accident prevention as well as first aid should and can be inaugurated. As pointed out in the quotation above, however, such a program can succeed "only through the cooperation of the union in permitting and encouraging the men to be trained and directed in stevedoring operations."

¹Compare the WEA statement pp. 1-2 Appendix "B"; "A number of companies have from time to time, cooperated with the Bureau in providing statements of compensation and medical costs which have made possible what are believed to be accurate figures as to the average insurable costs of longshore injuries." These figures have not been supplied since the 1930's and when supplied were, of course, indicative of the experience of only those companies.

The phrase "and directed" should be noted. The line of supervision in stevedoring operations is structurally from the superintendent through various supervisory levels to the general foreman or "walking-boss", to the foreman or gang boss¹ or hatch tender, thence to the longshoremen. In each gang the Union has a "gang" steward, not recognized by the WEA as having any supervisory authority, who is a man working in the hold. A common complaint among the employers is that the designated supervisory personnel, particularly the walking boss, gang boss and hatch tender cannot exercise their directive authority because of fear of reprisals by the Union by means of disciplinary penalties;² and further, that the union stewards have usurped the supervisory functions of such personnel.

The Commission does not propose to enter the arena of this controversy except to stress the necessary relations between established and recognized lines of supervision and the subject of safety. It may be proper to note the Commission's observation however, that the degree of effective exercise and recognition of supervisory direction varies considerably between and within ports, depending in many instances on the attitude of the individual supervisor and the longshoremen working under his direction.

The war period, for various reasons, witnessed an expansion of the safety program in the industry chiefly by way of increased educational activities and inspection of conditions on ships and docks. The APB worked in close cooperation with the Army and Navy and with the Maritime Industry Board, which carried on an educational program for longshoremen. The fact that accident frequency rates were maintained at or below their pre-war level despite the inevitable dislocations of war-time operations attests to the value of increased emphasis on accident prevention activities, if indeed any such proof be required.

Inspection and Correction

"Inspections which are planned as part of an accident prevention program are intended to serve as a check on the diligence of ... both supervisors and workers, in regard to the removal of unsafe working practices and unsafe working conditions ... Likewise, the administrator must see to it that ways and means are established by which the worker and the supervisor may have such causes (of accidents) corrected without delay ..."³

The following statement concerning the program of inspection was supplied in behalf of the WEA.⁴

"One of the chief activities of the Bureau has always been the inspection of ships, docks and stevedoring operations. These have been carried on through visits

¹Gang bosses are employed in the San Francisco, Portland, Columbia River and Oregon Coast ports. In all other ports the line of authority goes from the walking boss to the hatch tender, with certain variations.

²Walking bosses are members of the ILWU in all ports except the State of Washington excluding Columbia River ports. In the other ports they are members of the ILA (AFL).

³Lippert, Page 52.

⁴Appendix "G", p. 5. Compare Appendix "E", p. 3, paragraph 3.

to the operations while they were under way. It was largely through these inspections and subsequent persuasive pressure brought upon steamship operators, and stevedoring companies, that the Pacific Coast Marine Safety Code was enforced where outside pressure was needed. In addition to these routine surveys of operations, there were periodic surveys to check on such things as first aid facilities, pier and ship lighting, and sanitary conditions. These surveys provided a basis for recommending higher standards, and have, through the years, resulted in a considerable improvement of facilities on docks and ships along the Coast."

As to the correctiveness of the recommendations made by the APB for corrective action, the industry member of the Commission reports:

"Serious consideration is given by management to the recommendations made by the APB. They are not always complied with in their entirety but in most cases the recommendations are accepted in substance, although the changes are not made as quickly as desired. If the changes suggested do not involve the necessity for large expenditures they are usually complied with. Sometimes there are technical difficulties, which preclude complete acceptance; in these cases quite often a satisfactory substitute change is made. Many of the Bureau's suggestions regarding ships have been incorporated in new vessels, but not made on old ships because the expense cannot be economically justified. Many of the ships bought from the Maritime Commission by west coast companies are being altered to comply with recommendations."

The Commission is of the opinion that the present inspection procedure can be materially improved both as to method and frequency, as well as in the promptness and degree of correction. One source of difficulty is the reluctance of the employers to make needed corrections because of alleged abuses on the part of the Union in the form of "make work" practices under the guise of enforcing safe conditions and methods.¹ The representatives of the Union allege, conversely, that there is no real desire on the part of the employers to correct unsafe conditions or methods and that "job action" or threat thereof is necessary to secure correction.

¹Section 11(b) of the contract between the WEA and the ILWU requires that if a dispute arises concerning "the manner in which work shall be carried on" work shall continue as ordered by the employer "except in those cases where the longshoremen in good faith believe that to do so is to immediately endanger the safety and health of the men."

Section 11(d) provides that employers may "introduce such methods of loading and discharging cargoes as they consider to be the best conduct of their business, provided such methods of discharging and loading are not inimical to the safety or health of the employees."

Whatever the truth of these counter-assertions, the fact remains that at present the only method by which problems of health and safety can be brought to the attention of management officially by or on behalf of the workers is (a) by a threatened work stoppage or (b) through the established grievance and arbitration procedure. The aspect of accident prevention tends to be lost sight of in the atmosphere of controversy which, according to rumor, currently characterizes meetings of the port and coast labor relations committees and hearings before the Impartial Chairman.

Although individual cases will undoubtedly continue to be submitted to the grievance procedure, there is an obvious need for some procedure which will permit discussion of problems of health and safety in a more constructive atmosphere, in the mutual interest of the parties. The Commission has given serious consideration to such a procedure, which is set forth later in this report.

Codes and Minimum Standards

The development of safety codes and minimum standards is regarded by the WEA as "perhaps the major contribution of the Pacific Coast to Safety in the Marine Industry."¹ The code idea originated in 1928 and in the following year the Pacific Coast Marine Safety Code was adopted by a "Code Committee." This Committee, with district ~~sub-committees~~, was a standing committee consisting of 13 members, 3 members "chosen from both employers and employees as far as possible." from each of the four districts, and a General Chairman elected by the Committee.² The Code was recommended to and accepted by the industry for voluntary use in all ports on the Pacific Coast. It was last printed in 1931. In January, 1935, it was adopted as part of the working rules for San Francisco Bay by the San Francisco Labor Relations Committee. Subsequently it was also adopted for Portland, Oregon, and Columbia River ports. In November, 1946, as a result of collective bargaining, the Code was incorporated into the coastwide contract between the ILWU and the WEA, and thus ceased to be a "voluntary" code.

Besides the Code, minimum standards for both ship and stevedoring gear and equipment, covering such items as ladders, goggles, first aid kits, lighting, etc., were developed in 1931 and revised in 1933. Minimum standards for cargo handling spaces, and gear and equipment in new ship construction were developed and revised on the same dates, and revised again in May 1936, and September 1938.

¹WEA Statement, Appendix "B", p. 3. References to the codes and their effects are found at pp. 3-4, 8-9.

²Code, page 8, Rule 103A

³See Code, Section 10.

"Shall" versus "should"

Reverting to the Code, the following comment is offered on behalf of the WEA:¹

"It must be recognized that, in such an industry as stevedoring where work is carried on aboard various ships, many of them of foreign registry, and on various docks -- some state owned -- some municipally owned, and others privately owned -- the control of conditions is much more difficult because of this diverse ownership than it is in the average industrial concern. Likewise, the wide diversity of cargoes handled makes it exceedingly difficult to develop uniform form procedures and methods. This situation was taken into account in developing this code. The code was purely voluntary, foreign ownership of vessels for one thing making it practically impossible for it to be otherwise. Some rules were "shall" rules; others "should". However, it was recognized that even the "shall" rules were of voluntary application only, while the "should" rules really meant it was desirable when practicable. The use of "shall" and "should" rules were really just a means of indicating the degree of desirability. Furthermore, in recognition of the difficulty of application of standard rules to diverse situations, and "exceptions" clause was provided giving the companies the right to substitute other adequate methods in lieu of those stated in the code. Of necessity many exceptions were granted. Nevertheless, despite the voluntary aspects of the code, all concerned made an effort to live up to it insofar as possible. It was to indicate their desire to comply with the spirit of the code that they applied for exceptions, even though the code was purely voluntary and non-enforceable."

The Union through its representative on the Commission proposed numerous modifications of and additions to the Code along with certain general recommendations. Discussion of these proposals will be found later in this report. Discussion of one particular proposal may be appropriate at this point, namely, that certain "advisory" rules be made "mandatory" through the changing of the word "should" to "shall."

The Chairman of the Commission, speaking for himself, has sought without overmuch success for some enlightenment as to the difference at present between "shall" and "should" in practical effect so far as the Code or its enforcements are concerned. On the basis of present information, one cannot foresee the consequences of the proposed change. The Chairman is therefore of the opinion that the Commission should not concern itself with the problem of "should" versus "shall" regardless of the merits of the proposal, and that the issue, if any, should be left to collective bargaining.

The Commission's Proposed Program for Accident Prevention Administration

To repeat, the WEA has stated¹ that "probably the chief result of the industry's accident prevention program has been the very great improvement in physical conditions on both ship and dock that have followed the adoption of the voluntary code." The WEA has further stated:

"From a study of the experience over the years it is evident that accidents resulting from causes which are susceptible to control by a code, represent only an extremely small percentage of the total. While there is still room for closer inspection and maintenance of gear and equipment, the chief weakness in the accident prevention program lies in the matter of controlling methods and acts. 75% of the injuries which are suffered by longshoremen are due to causes which can be removed only through training of the men in safe acts and practices and the enforcement of such acts and practices. Only through the cooperation of the union in permitting and encouraging the men to be trained and directed in stevedoring operations, can a material decrease in accidents be brought about from this point forward." (Emphasis added)

While the Union vigorously disputes the foregoing statement in some of its aspects, there is no dispute over the fact that accidents in this industry can be materially reduced in frequency and severity, and no escape from the conclusion that the cooperation of the Union is essential to the success of any program designed to that end. It is likewise evident that such cooperation cannot be achieved without a reasonable amount of participation. On this point Lippert summarizes his views as follows:²

"Union participation in accident prevention work can be made to operate to the mutual advantage of management, the workers, and the union officials. To install a workable plan, management must be prepared to discuss the details of its proposal with the union officials and to accept such changes as are determined to be mutually desired. Opinions vary as to whether such a proposal may be a part of the collective bargaining which is part of the formal contract negotiations. It should be remembered that the objective is union participation in the day-by-day job of detecting and correcting unsafe working conditions and working practices.

Training of those union representatives who are to participate formally in the program must be arranged.

¹Appendix, pp. 8-9

²Lippert, p. 81

Best results are obtained when such training is done with the full knowledge and sanction of the union and management."

If the Commission were designing an accident prevention program from scratch, and in the abstract, it would proceed along orthodox lines. See Lippert, Chapter V. However, the Commission believes that its proposals to be constructive must take into consideration the history and present status of accident prevention in this industry and the overall relations between the parties. With these considerations in mind, the Commission recommends the following program, leaving it to future experience to suggest needed adjustments.

The Committee Recommends:

1. Establishment of an ILWU Safety Committee, to cooperate with the WEA Accident Prevention Bureau (APB) in its health and safety program in general and its accident prevention program in particular. Presumably such a committee, to achieve maximum efficiency, would be organized along parallel lines with the APB, with a representative or representatives in the San Francisco, Los Angeles, Puget Sound, and Columbia River areas.
2. A review and appraisal by the APB of its present accident prevention program, and preparation of a comprehensive program for submission to and discussion with the ILWU Safety Committee at an initial meeting or meetings in San Francisco.
3. After adoption of a comprehensive program, meetings between the APB and the Executive Safety Committee representing shipowners, stevedores, and terminal operators, to explain the program, and meetings between the ILWU Safety Committee and top union officials for the same purpose.
4. Meetings at specified intervals, in the various ports areas, presided over by the Manager of the APB, between the representatives of the APB and the ILWU Safety Committee, to install and execute the program and review its operation. Presumably in conjunction with such meetings the Manager of the APB would be in contact with district or local representatives of the WEA and operating officials, both before and after the meetings, and would arrange for their participation in such meetings when needed.
5. Meetings between the Manager of the APB and the top ILWU representatives on its Safety Committee, whenever the occasion demanded, to review the overall operation of the program and discuss ways and means for its improvement.

Note: It should be clearly understood that the subjects to be discussed at meetings between the APB and the ILWU Safety Committee will be confined to problems of health and safety of the type discussed in Part I of this report, with emphasis on accident prevention. Care must be

taken at all times to keep these problems separate from problems of labor relations, for which a separate procedure is already in existence.

The Accident Prevention Bureau will discuss accidents, their causes, and needed correctives with the appropriate parties for the purpose of mutual education in accident prevention matters. The Bureau will investigate and weigh complaints relative to accident prevention matters, and will make its recommendations. It should be made clear that the Bureau, through its staff members, brings only experience and training; that it has no power, but relies solely upon its influence in working for the common interests of both men and management.

Suggested Principles and Procedures for Guidance of the Committees and the Parties

The Commission does not undertake to draft a detailed blueprint for the safety committees or the parties. It does, however, suggest the following guiding principles and procedures.

1. The Commission is agreed that in all matters relating to safety the following principle shall apply. If convenience versus safety -- Safety first. If comfort versus safety -- Safety first. If tonnage versus safety -- Safety first.

2. The Commission is also agreed that the cooperation of the employers' Executive Safety Committee, representing shipowners, stevedores and terminal operators, is essential for the establishment and maintenance of uniform procedures for:

- a. Defining and coordinating the responsibilities of all parties involved in stevedoring operations, including shipowners, terminal operators and stevedoring contractors, and their representatives.
- b. Taking all necessary action to furnish and maintain safe facilities and safe conditions during operations, including deck and dock conditions, equipment and gear, both standing and running.
- c. Adequate servicing and maintenance of all ships' cargo handling facilities while vessels are at sea, as well as dock and terminal facilities.
- d. Inspection, before operations start, of all ship and dock equipment, gear and tools, and correction and control of any unsafe mechanical or physical condition which may contribute to or cause accidents.

3. The Commission recognizes the fact that men do not receive injuries because they want to, but because in many cases they do not know how to avoid accidents; that if accidents are to be avoided or minimized, there must be an adequate program of training and a proper assumption of responsibility; and that the Union is in a position to influence the men to work safely. The Commission therefore recommends that the Union

develop and maintain procedures which will influence workers to:

- a. Accept and heed safety precautions of walking bosses, gang bosses, hatch tenders, and stewards.
- b. Accept and follow instructions in safe methods of working and avoidance of unsafe acts.
- c. Safely use and handle equipment, gear, and tools with ordinary care and within maximum capacities.
- d. Learn and know the accident producing factors and work in a manner that will not contribute to or cause accidents or injury.
- e. Wear safe and protective clothing insofar as practicable and possible.
- f. Avoid shortcuts or chances that may contribute to or cause injury.
- g. Report injuries promptly, stating fully and clearly the circumstances causing accidents.
- h. Seek immediate first aid or medical treatment.
- i. Cooperation in every other way that will help to prevent accidents and minimize injuries when accidents occur.

4. It is anticipated that the comprehensive program to be recommended by the Manager of the APB at the initial meetings with the ILWU Safety Committee will include adequate provisions for training in all matters relating to accident prevention, and for a first aid course.

With reference to training in general, the Commission concurs in the observation that "the printed word (is) a poor means of training longshore labor." A program of visual education is strongly urged. The Bureau of Employees Compensation, FSA, has recently developed slides and commentaries especially designed for such a program in this industry, which will be available without cost early in 1948. The Commission recommends the use of this service, and, to complement the slides, recommends that a study be made of the possibility of developing a first class motion picture which will effectively demonstrate accident causes and means of avoiding or minimizing injuries in longshore employment.¹ It is assumed the APB will discuss with the ILWU Safety Committee the places, such as membership meetings, hiring halls, pay offices, etc. where such slides or movies could be most effectively exhibited.

¹See Livingston and Ignatius, "Effective Use of Training Films," XXV, Harvard Business Review, 637 (1947).

RECOMMENDATIONS PERTAINING TO PARTICULAR HAZARDS
IN STEVEDORING OPERATIONS ON SHIP OR DOCK

The Union has proposed a great number of changes in or additions to existing Code Rules, as well as other specific provisions. Recognizing that too much emphasis on detail might hamper the successful launching of the Safety Committees, which is the most important immediate objective, the Commission has limited its proposals to those matters which should be given early attention.

The Commission has not attempted to redraft the existing Code. It has simply re-examined certain of the provisions thereof in the light of observations made and information received during its four week tour of inspection of ships and docks.¹ Its resulting proposals fall into three main categories: (1) new rules, or clarification or amendment of existing rules; (2) recommendations, not in the form of rules, addressed to the parties; and (3) similar recommendations addressed to the APB and the proposed ILMU Safety Committee.

The chief problem concerning ship operations is securing better observance of existing rules by men and management. Thus only five changes in or additions to specific rules concerning stevedoring operations aboard ship were found to be necessary. Other situations are covered by general recommendations to the parties or to the committees.

The present Code, while applying in general terms, contains virtually no provisions applying specifically to dock safety problems. The Commission might properly have recommended a complete dock code. Instead, following its general policy, the Commission has considered only those situations shown to justify special consideration in this report. Moreover, the Commission has recommended specific rules in only a relatively few situations. Other situations are covered by general recommendations to the parties or to the committees.

In most instances the proposed rules or recommendations as to ship and dock operations merely follow the best practices now prevailing.

The Industry Member of the Commission has dissented from any rule changes or additions in the following language:

"The industry member of the Commission dissents from the recommendations 1 to 34 inclusive, insofar as they propose amendments and additions to safety rules now included in the contract on the grounds that since

¹See the Commission's minutes contained in Appendix B. See also Appendix "I".

safety rules have been made a part of the contract, many of them have been a continual source of conflict between the parties, and the Union in many instances attempting to use them for purposes only remotely connected with safety.

"In view of this experience it is clearly unwise to add to the area of conflict by increasing the number of rules. Until there is cooperation in obtaining compliance with the existing rules there should be no increase in their number."

Comment by Chairman: The foregoing dissent of the industry member of the Commission is based on objections to any amendments or additions to safety rules, rather than to the merits of the proposed rules.

A re-examination of existing safety rules, implying possible amendments or additions thereto, was clearly in the contemplation of the parties in establishing the Commission. Therefore no question of jurisdiction is involved. This does not bar an expression of judgment or opinion as to the desirability or workability of rule changes or additions at this time under all the circumstances. It appears that the dissent is of that nature.

I. The Commission recommends the following changes in or additions to the rules in the present Code:

(Safety aboard Ship)

1. (Add to Code as a separate section)

"The gang boss (or, where no gang boss is used, the hatch tender) and the winch driver shall remain on the job until all men are out of the hold."

2. (Add to Code as a separate section)

"There shall be no sweeping or cleaning of hatches while a gang is engaged in loading or unloading or discharging cargo in the hatch."

3. (Add to Rule 413 of the Code)

"Such clearance shall be designated by painted lines."

4. (Amend Rule 418 of the Code)

"When working barge, scow, raft, or log boom alongside ship, a double rung Jacob's ladder or its equivalent, properly secured, shall be provided and used for each separate unit of operation. A lifebuoy shall likewise be provided for each separate unit of operation. When working a raft or log boom alongside a ship a boat shall also be provided."

5. (Modify Code Rule 605 to read as follows)

"Cargo booms shall be tested and have approved capacity plainly marked in a conspicuous manner and place, preferably at the heel of the boom."

Comment: Makes present advisory rule mandatory.

Power-Propelled Vehicles

6. (Add to Code as a separate section)

"Responsibilities and Duties of Operator. The operator of a power-driven vehicle shall test brakes, steering gear, etc. before starting work, slow down upon approaching blind corners or other places where vision is limited, operate vehicle in a manner giving operator unobstructed view in the direction of travel, obey all speed and traffic regulations and other applicable rules, have the vehicle he operates at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle, stay with the vehicle at all times when the engine is running, report immediately to the person in charge if a vehicle is at any time found to be out of repair, defective, or in any way unsafe and not operate vehicle again until it has been made safe, and at all times to operate the vehicle in a safe manner."

7. (Add to Code as a separate section)

"No one shall ride on power driven vehicles except the operator. (Exception: flat bed jitneys when a safe place is provided for a swamper to ride.) Riding on tongue or handles of trailers or riding or hoisting on forks of lift jitney, or jumping on or off moving vehicles, is prohibited."

8. (Add to Code as a separate section)

"When standing, lift jitney forks shall be lowered to the floor. When moving, lift jitney forks shall be kept as close to the floor as safe clearance will permit."

9. (Add to Code as a separate section)

"Gasoline engine driven vehicles shall not be left standing with the gears engaged when engine is stopped. Gasoline tanks shall not be filled when engine on vehicle is running. When filling gasoline tanks, the hose nozzle shall touch the tank in order to prevent ignition of vapor by static spark. Gasoline tanks shall not be opened, filled, or left open while anyone is smoking in the vicinity. Only vehicle operators or mechanics shall be permitted to crank the vehicle engine."

10. (Add to Code as a separate section)

"Power-driven vehicles shall not be driven faster than safe speed compatible with conditions on the terminals in question, and to insure safe operations."

11. (Add to Code as a separate section)

"On power-driven vehicles where the operator stands on a platform, resilient foot mats or sponge rubber or other suitable material shall be securely attached. All power-driven vehicles shall be provided with resilient seat cushions fixed in place. Lift jitney and jitney seats shall be provided with a removable waterproof cover when they are exposed to the weather."

12. (Add to Code as separate section)

"On every power-driven vehicle, where the operator stands on a platform at one end of the vehicle, a substantial steel plate guard shall be securely attached to the platform or frame of the vehicle in such a manner as to protect the operator. Clear exit from the platform must be provided for the operator. All power propelled vehicles used for towing shall have a coupling device by which trailers can be attached or released without the operator dismounting from the vehicle."

13. (Add to Code as a separate section)

"Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body. Exhaust pipes and mufflers on gasoline engine driven vehicles shall be tight. Exhaust pipes shall be so constructed as to discharge into the air not less than 72 inches above the floor on jitneys and 84 inches on lift jitneys, and no gasoline vehicle shall be used except where ceiling is over 16 feet high or where proper ventilation by the use of power driven blowers is provided."

14. (Add to Code as a separate section)

"No load on a lift jitney shall be suspended or swung over any workman."

15. (Add to Code as a separate section)

"There shall be on all lift trucks an overhead guard for the protection of the operator. There shall be attached to the carriage of all lift jitneys a guard extending above the top level of the load being carried."

16. (Add to Code as a separate section)

"All power propelled vehicles shall be provided with a horn."

17. (Add to Code as a separate section)

"The rated lifting capacity of all lift jitneys shall at all times be posted on the vehicle in such a manner that it is readily visible to the operator. At no time shall a load in excess of the manufacturer's lifting capacity rating be lifted, carried, or moved by a lift jitney."

18. (Add to Code as a separate section)

"All power propelled vehicles shall be adequately cleaned at frequent intervals to remove accumulated dust and grease as a fire prevention measure."

(Cargo trucks and trailers)

19. (Add to Code as a separate section)

"Truck handles and couplings shall be standardized as far as possible. Couplings shall be painted with a substance or color to provide a sharp contrast with the truck or trailer body."

20. (Add to Code as a separate section)

"Whenever men are required to move cargo into or out of a railway car, a railway car plate of sufficient width to cover car door opening shall be used."

21. (Add to Code as a separate section)

"All dock floors shall be constructed and maintained in such a way that they will afford a smooth, safe, working surface."

22. (Add to Code as a separate section)

"All docks and adjacent areas shall be equipped with a lighting system that will provide sufficient light to assure safe working conditions, and shall be adequately ventilated in all portions where men are required to work."

23. (Add to Code as a separate section)

"Dock doors having counter balances shall have the counter balances so enclosed that it is impossible for a man to walk under them."

24. (Add to Code as a separate section)

"All dock aiseways shall be of a width sufficient to permit the movement of cargo safely. All aisles shall be kept open and free of obstruction to passage of persons or equipment."

25. (Add to Code as a separate section)

"Ladders shall be provided for men getting into and out of gondola cars or getting upon or down from high tiers in terminals, warehouses, or on lighters. Jumping or climbing down on protruding pieces of lumber from tiers is prohibited."

26. (Add to Code as a separate section)

"When railway cars are switched, the cars shall be preceded by a man on foot to see that the tracks are clear. When persons are required to work between railway cars or underneath railway cars, as is the case when cargo is bolted to bed of railway car, there shall at all times be a person stationed near the railway car or cars to warn of an approaching switch of the railway car or cars."

27. (Add to Code as a separate section)

"Whenever a section of the dock, warehouse, etc., is unsafe, it shall be fenced off and properly marked."

28. (Add to Code as a separate section)

"Cargo piled on docks, warehouses, etc., shall be of such height and construction as not to constitute any danger of cargo falling or pile collapsing. Unsafe piles shall be fenced off until rebuilt."

29. (Add to Code as a separate section)

"The dock superintendent or pier agent shall have the duty and responsibility of regulating traffic in a safe manner, and in accordance with traffic regulations specified herein."

30. (Add to Code as a separate section)

"No man shall be required to work with, or in or about cargo on the decks which has been fumigated with poisonous materials until safety of such work has been certified to by the fumigating agency."

(Miscellaneous)

31. (Add to Code as a separate section)

"An approved first-aid kit shall always be immediately available when and where operations are being carried on. The first-aid kit shall be in charge of, and maintained fully stocked by a designated attendant who shall be trained to render first aid to the injured. The first aid attendant should always be available to give immediate assistance. One or more Stokes type stretchers, grappling hooks and woolen blankets shall be available at places where operations are being carried on, to be furnished by the employer, the vessel or the dock operator."

32. (Add to Code as a separate section)

"At each port there shall be provided by some port organization, facilities for the formation of a first aid corps and for the training of persons employed who wish to qualify to render first aid."

33. (Add to Code as a separate section)

"A life buoy shall be maintained in an accessible spot every 100 feet at each dock."

34. (Add to Code as a separate section)

"Every precaution and measure shall be taken to prevent excessive noise. For example, noise of chipping on outside of hull or on the deck above while men are working below creates a real hazard in that it prevents the men working in the hold from hearing the signals of the hatch tender. Any work of this or similar nature shall not be carried on during operations."

II. The Commission makes the following recommendations to the parties:

(Note: The parties may, on consideration, determine to refer certain of these recommendations to the APB and the ILWU Safety Committee, rather than undertake direct action.)

1. (General Recommendation)

Where the use of power equipment is necessary below decks, it is recommended that electrically powered equipment be used rather than internal combustion engines. Where present equipment cannot practicably be replaced in the immediate future, it is recommended (1) that meter tests be made before and while gangs are working to determine the carbon monoxide content and (2) that blowers or other apparatus be used to insure adequate ventilation.

2. (General Recommendation)

The Commission noted numerous instances of gangplanks in-

adequate in various respects, failing to meet the requirements of present Code Rule 415. Failure to observe present requirements led to serious consideration of other means to assure safe access to and departures from the ship by the longshoremen, such as a requirement of a safety net under every gangway, and a general rule against placing the dock end of a gangplank on the "bull rail" or "stringer". The Commission concluded that an absolute requirement or prohibition was not necessary at this time, but that the problem of safe access and egress was a serious one meriting remedial action of some sort. Accordingly the Commission recommends that the walking boss inspect the gangplank (or accommodation ladder), its location, the placing of safety nets where required, and the general conditions of ingress and egress including possible overhanging obstacles, before the longshoremen are required or permitted to board the ship or leave it.

3. (General Recommendation)

Special precautions should be used in hoisting to ship's rail with a lift jitney.

4. (General Recommendation)

It is recommended that steps be taken to assure the safe storage of beams and hatch covers on the opposite side of the ship from the side on which loading operations are being conducted.

5. (General Recommendation)

Recognizing the fact that hook bridles are not the safest device, it is recommended that consideration be given to minimizing, if not eliminating their use, by the substitution of such devices as screw pin shackle and chain or toggle bridles, equipped with adequate lanyards.

6. (General Recommendation)

The Commission observed numerous instances, sometimes quite aggravated, of inadequate lighting constituting a distinct hazard to men while working or going to and from their place of work. The Commission recommends permanent, adequate and standard lighting facilities on and below decks of vessels and on docks, terminals, wharfs and warehouses. Pending such final correction, additional movable lights shall be promptly supplied, including flood lights for illuminating the standard and running ship's gear. Particular attention should be given to the inadequacy of present lighting facilities on the aprons of many piers.

7. (General Recommendation)

The Commission recommends that a study be made of the possibility of replacement by rebuilding or otherwise, of winch control levels so that winch drivers will at no time be required to operate winches in the bight of the ship's fall, as existing arrangements now require in some instances.

8. (General Recommendation)

The Commission inspected operation on several vessels where single winches had been "doubled up" by use of makeshift extension handles in some cases composed of pipe connections and in others of wood of 2 x 4 inch dimension. Counter-balances were in some cases provided by hanging shackles from the extension handles. Rope yarn wound around the ends of bolts securing pipe connections served in some instances as substitutes for cotter keys. In some cases the multiplicity of connections between steam valve and control lever caused a remoteness of control not conducive to safe operations. Particular complaints were made by the ILWU regarding winches of so-called Liberty vessels, which it is alleged are difficult to control because of the placement of rings in the steam chambers.

The Commission refers the matter of extension handles for single winches and correction of mechanical defects of Liberty ship winches to the parties for such steps as are necessary to: (a) assure that extension handles when used shall be of sound construction, securely attached and so arranged as to permit safe operations; and (b) mechanical adjustment of Liberty winches to secure maximum smoothness of operation and control.

9. (General Recommendation)

Winch drivers, whose work is performed exclusively on the open, unprotected main decks of vessels are, as a rule, completely unprotected at the present time from the hazards of swinging loads, gear failures, and inclement weather. This is a situation which the Commission believes can and should be remedied. The Commission refers the problem to the parties.

10. (General Recommendation)

The Commission recommends a continued study of ways and means of eliminating rope tails or preventers, such as by the use of butt chains.

11. (General Recommendation)

The Commission directs the attention of the parties to its observation of unsafe working conditions created by use of temporary make-shift platforms or deck staging. In most cases such staging was contrived by use of cargo boards piled one on top of the other. The Commission recommends that the parties devise ways and means of assuring that temporary staging, when and where used, shall be so constructed and placed as to afford safe and adequate space for operations.

12. (General Recommendation)

The Commission is of the opinion that "stringer" pieces (bull rails) add a substantial factor of safety for men working general cargo on the aprons of the docks, terminals, and sidings. Recognizing that cooperation by public authorized agencies is involved, the Commission recommends that necessary steps be taken and further recommends a study of ways and means to provide equivalent protection on lumber docks.

13. (General Recommendation)

The Commission recommends an investigation of ways and means of correcting unsafe working conditions arising out of the use, as noted by the Commission, of padeyes and cleats which are inadequate for the proper rigging of ship's gear and the safe storage of cargo. In this connection the Commission calls specific attention to hazards arising from spot welding of padeyes, ringbolts, U-bolts, cleats, etc., to the top or outside surface of decks and bulwarks.

14. (General Recommendation)

The Commission recommends the study of ways and means of securing compliance with (1) existing rules against smoking on ship or dock, and (2) the existing rules requiring the hatch tender to "keep the slingload or draft in sight when being moved and warn all persons in danger of being injured by the movement of cargoes." There is some explanation although no excuse, for the frequent violation of the first rule, since smoking on board ship or on the dock is not confined by any means to longshoremen, in any of the ports. There is no excuse for the violation of the second rule, since in some ports the hatch tenders pay strict attention to the rule, and in others some do and some don't. Those who don't thereby expose their fellow workers to wholly unwarranted risk of serious injury.

15. (General Recommendation)

The Commission observed instances where main deck railings were not in good condition, or had not been properly secured following completion of operations. The Commission also noted that while only that part of the main deck railing immediately adjacent to the working hatch need be removed during ordinary operations, other sections were unnecessarily removed. The Commission recommends that steps be taken to avoid the obvious and unnecessary hazards involved.

16. (General Recommendation)

The Commission noted from the accident reports examined, numerous cases of rashes or inflammation of eyes, ears, nose or bronchial tubes, resulting in whole or in part from exposure to particular types of cargo presently transported in bulk or in loose mesh sacks. Both men and management can diminish this hazard, the men by more constant use of safety equipment, the management by recommending more widespread use of inner containers in packaging of cargoes. The Commission recommends a study of the problem in the light of these observations.

17. (General Recommendation)

The Commission surveyed certain exceptionally old coal burning vessels of foreign registry that were in general bad condition from the standpoint of safe stevedoring operations. The standing and running rigging, including winches, guys, preventers, cleats and padeyes were in most cases dilapidated and in need of replacement. The Commission recommends rigid inspection of vessels of this type before stevedoring operations commence.

(Sanitary Facilities)

18. (General Recommendation)

The Commission noted that with few exceptions the wash room and toilet facilities were inadequate in general and unsanitary in particular. It is recognized that the problem is not only one of furnishing adequate facilities but their proper upkeep, and that in the latter respect the men who use the facilities are ^{often} partly to blame. The Commission recommends prompt attention to the improvement of the facilities and their proper upkeep.

(Shelters for Use During Meal Periods)

19. (General Recommendation)

Except in those instances where docks are located in an area near lunch rooms, and often even in such cases, longshoremen carry their lunch to work. Some docks have

shelters for use at meal periods constructed during the war by the Pacific Coast Maritime Industry Board. At the Grain Elevator Dock, Port of Seattle, the dock owners have constructed an exceptionally fine shelter and recreation room. In one or two other instances modest shelters have been provided. In one such instance use of the shelter is limited to regular employees of the terminal operator.

Aside from these exceptions, no shelter is provided where the longshoremen can congregate to eat and relax during the meal periods. As a result, men eat where they can, and not always in the safest place -- on the stringer-piece or apron of the dock, on the hatch combings aboard ship, etc. Bad weather or company rules often curtail even the limited choices which exist otherwise.

The Commission recommends that consideration be given to the early installation of simple but adequate shelters, adequately heated and lighted, and including tables, benches or chairs, drinking water, and other essentials.

III. The Commission Makes the Following Recommendations to the APB and the Proposed ILWU Safety Committee:

1. (General Recommendation)

It is recommended that the APB and the ILWU Safety Committee consider the ways and means of preventing accidents in the matter of pulling or pushing power propelled vehicles which cannot be moved under their own power.

2. (General Recommendation)

The Commission recommends that the APB and the ILWU Safety Committee consider ways and means of securing the equipment of all four wheel trucks or trailers, not so presently equipped, with rubber tires.

3. (General Recommendation)

It is recommended that the APB and the ILWU Safety Committee consider the possibility of eventual replacement of beam clamps with permanent ring bolts, and ways and means to expedite such replacement.

4. (General Recommendation)

The Commission noted numerous instances in which vertical ladders were in serious disrepair. In some instances the ladder was cluttered up with electric cords, etc. In addition, the ladders on some old ships have insets and off-sets creating a hazard even when in good condition. The

Committee endorses the use of manholes for access to and egress from ships ladders, but notes that manholes now used are not large enough to permit easy ascent or descent to a man of more than average bulk carrying a hook in his pocket. The Commission recommends that the APB and the ILWU Safety Committee consider ways and means of remedying these conditions.

5. (General Recommendation)

The Commission noted instances of non-compliance with Code Rule 510, requiring a safe walkway for the hatch tender when working cargo over a deck load. As a rule no walkway was provided. It is recommended that the APB and the ILWU Safety Committee consider this matter, including the question of what constitutes a safe walkway.

6. (General Recommendation)

The Commission noted operations involving the direct transfer of cargoes (lumber, lumber products, steel, etc.,) from flat cars and gondola cars spotted under ships tackle parallel to outer edge of pier or siding. In such cases, sling or front men are in danger of falling between ship and dock from car. The Commission recommends that such operations be studied by the APB and the ILWU Safety Committee for purposes of eliminating or minimizing this hazard.

7. (General Recommendation)

The Commission observed some extreme examples of poor housekeeping, including the careless placing of strongbacks, hatchcovers, dunnage, etc., oily decks, days-old deposits of garbage, and the like. Other instances provided a notable contrast. The problem of securing more adequate housekeeping is referred to the APB and the ILWU Safety Committee for study.

8. (General Recommendation)

The Commission calls attention to the hazards connected with the use of sheer logs at waterfront piers, etc. The Commission recognizes the practical difficulties in the way of immediate elimination of sheer logs, and further, that the cooperation of public authorities is essential to a solution of the problem. The Commission recommends that the problem be referred to the APB and the ILWU Safety Committee for consideration.

PART II OTHER MATTERS RELATING TO HEALTH AND SAFETY

The Union has submitted the following proposed recommendations for consideration by the Commission:^{1/}

"Recognizing that long hours of work and night work (particularly on certain cargoes) are detrimental to health and contribute to the high frequency of accidents, the Commission recommends that the parties find methods for:

1. Eliminating work after midnight and before 7:00 a.m.
2. Confining shifts to a maximum of eight hours during the day and six hours at night.
3. Eliminating night work on certain especially hazardous cargoes such as long steel and pilings."

1. Work after midnight

The Commission is advised that the employers themselves desire to minimize such work for reasons of economy and efficiency. Because of the nature of the industry, however, there is probably an irreducible minimum of such work which must go on. The Commission recommends that efforts be made to further minimize work after midnight. However, the Commission has no data adequate to support a recommendation, on safety grounds, that such work be completely eliminated.

2. Length of shifts

Shifts now vary from 10-12 hours in length. Short shifts are occasionally worked when a vessel is about to sail.

The data supplied to the Commission do not show that accident frequency or severity is in direct ratio to the number of hours worked. Nevertheless, the factors of safety and fatigue are directly related. While eight hours is not invariably the turning point in terms of safe operations, it is safe to assume that considerations of health and safety constitute a major factor in the reduction of the standard shift in American industry to eight hours.

There appears to be nothing inherent in the operations of this industry making it essential to work longer than the standard shift. On the other hand, it is debatable whether considerations of health and safety, which is the sole concern of this Commission, are sufficient to justify an out and out recommendation for the eight hour day, without considerations of related problems. The Commission is barred from considering such problems -- operational, wage, etc., -- which would undoubtedly arise from such a substantial change in present arrangements, and suggesting solutions of those problems. Therefore, while endorsing the principle of the eight hour shift, the Commission limits its conclusion to a simple recommendation on grounds of health and

^{1/} See Appendix "J"

safety, that the parties themselves devise ways and means of reducing the maximum regular shift to 8 hours.

The Commission makes no recommendation either way on the length of the night shift, on the assumption that discussion between the parties of the length of the day shift would inevitably involve discussion of the night work schedule.

3. Night work on especially hazardous cargoes

The chief hazard of night work, in contrast with day work, on such cargoes as long steel and pilings, arises from inadequate lighting. The Commission has already noted its observations as to the inadequacy of present lighting in general. This inadequacy is especially serious, in terms of safety, in night work on the types of cargo mentioned. Accordingly, the Commission recommends (1) that the APB and the ILWU Safety Committee give special consideration to the securing of fully adequate lighting for such types of cargo, and (2) that a special study be made of the results of such consideration, and to further means, if found to be necessary, of minimizing the hazards involved.

PART III OF CABBAGES AND KINGS - INCLUDING JURISDICTION

The Union has submitted the following recommendation for consideration by the Commission:

"It is recommended that the parties adopt appropriate contract language to establish an employer financed and jointly administered Health and Welfare Fund for the following purposes:

1. To establish a prepaid medical plan whereby registered workers would be treated and hospitalized as required whether or not illness and/or injury is established as occupational. (Medical care for industrial cases shall be transferred from present company doctor arrangement to facilities provided under group medical insurance plan herein provided for.)
2. To provide for all non-disabling injury cases the right to medical treatment with no loss of pay. Transportation from job to place of treatment and return to be furnished by the employer. Consideration should be given to establishment of medical treatment centers by zones within or adjacent to the waterfront area for prompt treatment and minimization of employer expense in connection with same.
3. Provide for reasonable sick leave with pay based on seniority.
4. To supplement compensation payments under present Federal and State Acts in order to give all injured workers eligible for compensation a total weekly sum equal to his usual straight time hourly wage rate at the time of injury, times 30 hours.
5. To provide full compensation as set forth above from first day of injury, and full pay for day on which injury occurs.
6. To provide that in the event of a permanent partial disability for which a permanent disability rating may be or is awarded under the terms of such applicable compensation act, the weekly rate of payment for such permanent disability rating shall be figured at not less than thirty times his usual straight time hourly rate at the time of the injury.

7. To provide that in the case of permanent total disability, in percentage in excess of 65%, the compensation to be awarded such employee suffering an industrial injury shall be his weekly rate of pay, that is, thirty times the usual straight time hourly rate of pay such employee has earned at the time of such injury, which said payment shall continue for the life of such employee.
8. To provide that in the event of the death of any such employee, the death payment shall be the sum of \$15,000 (fifteen thousand dollars) payable to beneficiary either in a lump sum or in monthly payments, as determined by administrators of the Fund.
9. Any other health and welfare measures agreed upon by the parties for which funds are available after the preceding program has been effected."

The three principal points involved in the proposal are (1) an employer-financed medical plan for all injuries and illnesses, occupational or otherwise; (2) a plan to supplement, by employer contribution, compensation now provided under state and federal statutes for injuries occurring on docks and on ships respectively; (3) a sick leave plan.

The Union has submitted considerable data in support of its proposal.^{1/} The Employers have not attempted to negate such data. Their position^{2/} is limited almost exclusively to the claim that the subjects of the Union's proposal are outside the jurisdiction of the Commission, and to the related claim that such subjects have no relation to "the problem of health and safety."

^{1/} The proportion of ship to dock injuries is roughly 60 - 40.

^{2/} See Appendix "K".

^{3/} As reported by Mr. Travers, that position is as follows: Position on Health and Welfare Plan: The Employers will not agree to any recommendations made regarding health and welfare plans. They do not consider it within the proper scope of the Commission to undertake such recommendations since health and welfare plans are not within the purview of accident prevention. They are a matter of labor negotiations, and the Commission is charged only with accident prevention matters, not labor negotiations. Furthermore, it is difficult enough to establish any such plan even where there are harmonious relations between the parties and, when the plan is limited to a single company and its own employees.

To seek to establish such a plan between an Association, representing many Employers, and a Union with which the state of relations is as it is in this industry, is clearly impracticable.

Jurisdiction

It should be emphasized that this Commission is not a governmental agency, or an arbitration tribunal. It is solely a creature of the parties, and derives its authority from their agreement. By that statement, it is authorized only to investigate and make recommendations, which the parties are free to accept, reject, or take under advisement as a basis for discussion or negotiation. With these considerations in mind, it is apparent that no significance would attach to a majority recommendation, as contrasted with a decision by a governmental body or an arbitration tribunal. Accordingly, with unanimity impossible because of the jurisdictional issue, no effort has been made to secure a majority recommendation. Instead, the Chairman expresses his own views herein, leaving full opportunity for his colleagues to report their respective positions and the reasons in support.

On the question of jurisdiction, the language of the agreement providing for the establishment of a commission recites that "nothing in this safety agreement shall be interpreted so as to restrict the scope of the Safety Commission's investigations and recommendations into all problems of health and safety". If this language be regarded as ambiguous, the contemporaneous notes of the Chairman^{1/} made during the final bargaining sessions in the 1946 contract negotiations reveal the following information. The Union sought language which would specifically require the Commission, in its investigation and recommendations, to include the matter of increased compensation for injuries or illnesses incidental to longshore employment. The Employers sought language making it clear that the Commission should limit itself to the subject of "safety rules". The matter was finally left with the understanding that each side would present to the Commission its own interpretation of the language finally agreed upon following which the Commission would itself determine the scope of its investigations and recommendations.

It is quite apparent from the foregoing history that the Commission is free to consider the Union's proposal in its entirety, on the merits, if in its judgment the facts and circumstances warrant. Reserving final decision when the issue was first raised before the Commission, the Chairman permitted the Union to arrange for interviews by the Commission with injured longshoremen and to submit such other data as it desired in support of its proposal. On the basis of such interviews and data, the Chairman is of the opinion that aside from the matter of sick leave, concerning which the data submitted was scanty, the Union's proposal is at least entitled to consideration on the merits.

Closely allied to the jurisdictional objection is the point that medical care and supplemental compensation are not related to "the problems of health and safety". It is true that the APB and the WEA Executive Safety Committee concern themselves primarily with accident prevention in the narrow sense. But the line is not an arbitrary one, as witness the first aid program of the APB, and its attempts in the past to secure data on compensation and medical costs, at least for statistical purposes. Lippert, in his text on Accident Prevention Administration, at p. 150, suggests as part of a "health and safety" clause to be inserted in union contracts, the following paragraph relating to the functions of a proposed joint committee.

^{1/} The Chairman assisted in the negotiations which led to the agreement in question.

- "5. The duties of the health and safety committee shall be as follows ...
- h. To supervise the administration of any group insurance; medical, surgical or hospital plan; or benefit plan wherein the company is a contributor..."

Other recommended clauses (pp. 152-154) provide for medical service and hospitalization, including free examinations.

Finally, however much the subject of accident prevention and medical care or compensation may be separated administratively within the WEA organizational structures, it is clear from conferences with numerous workers, including injured and uninjured, that in the minds of the workers the two are intimately related.

Prepaid medical service plans and supplemental compensation or "health and welfare" plans are by no means unprecedented in American industry, and such plans are receiving increasing acceptance in collective bargaining contracts.^{1/} Moreover, member companies of the WEA not uncommonly give full compensation to monthly employees absent from work because of injuries, or provide sick leave. The Commission is informed that the WEA itself has under consideration a prepaid medical plan for its own employees.

It may be pointed out that employment of longshoremen differs from employment in other industries where medical plans and "health and welfare" plans exist, and from monthly employment in this industry, inasmuch as longshoremen are not regularly employed by particular employers, but are dispatched from the hiring hall on a job to job basis. This distinction may be material in many respects. However, in the closely allied west coast ship scaling industry, in which a similar hiring and dispatching system exists, a model "health and welfare" plan providing full medical care was negotiated in September 1946 and adopted for the ports of San Francisco and San Pedro. The agreement, in each case between the appropriate Ship Scaling Contractors Association and the ILWU, provides for a joint safety committee; for a medical service plan to which each employer contributes two cents (2¢) per man hour into a fund for that purpose; and for administration of the medical service plan and fund by the Union alone. Finally, the parties in this proceeding, the WEA and the ILWU, are now operating on a vacation plan, despite the presence of essentially the same complicating factors.

The employers are said to be unwilling to embark on a program such as the Union seeks, particularly one involving joint control, because of the present unsatisfactory state of labor relations, and the possible abuse by the Union of new privileges. Nor, they say, do the prospects for the immediate future hold any greater incentive. To the Union representatives who have expressed themselves on the subject of lack of cooperation, the shoe appears to be on the other foot. Whatever the fact, the Chairman is convinced that willingness on the part of the employers to explore the

^{1/} See Appendix "L".

problems underlying the Union's proposals on medical care and supplemental compensation would meet with instantaneous response on the part of the longshoremen, which might well prove to be the key to cooperation not only in accident prevention but in basic labor relations. In any event, while the ability of the parties to "get along" may deserve consideration, as the Commission has recognized, in matters of procedure or administration, it is questionable how much weight can be attached to this factor when the substantive merits of a proposal are in issue, as here.

As a further reason against embarking on such a program as the Union proposes, it has been said the employers should not be asked "to supplement the law", i.e., the federal and state compensation statutes. This is in essence another way of saying that this industry should not be asked to assume burdens not borne by other industries, a point previously discussed. There is some merit to the suggestion that if present legislation is inadequate, the remedy is to have the statutes amended. But this is easier said than done, as the record indicates. The Union, on its part, has made numerous efforts over a long period of time to broaden and increase the compensation and other provisions of the relevant statutes, with no success thus far except a slight modification of the California state acts.^{1/} The employers suggest that this leaves the longshoremen in no worse position than workers in other industries. The Union replies that workers in a steadily increasing number of industries secured contractual provisions supplementing the statutory benefits, which is the solution the Union seeks. Thus we come full circle to the question of whether the Union's proposal is sound in principle and justified on the merits.

The question of ability to pay, assuming its relevancy in these proceedings, has not been raised. Nevertheless, the out-of-pocket and net costs of such a program as proposed would undoubtedly be weighed by the employers in any case. Reflection suggests several ways in which the out-of-pocket costs might be offset or even absorbed. First, the positive effect on morale which affirmative consideration of the Union's proposal would create has already been indicated. Morale is directly related to productivity, and alleged lack of productivity accounts for much of the employers' unwillingness to confer new benefits on the Union or the workers.

Second, increased cooperation by the Union in a reinvigorated program of accident prevention such as the Commission has proposed would unquestionably produce savings in direct and indirect costs, which would absorb or at least offset in substantial part the cost of a reasonable plan for medical care and supplemental compensation.

Third, the Union has indicated to the Chairman that if the employers are willing to consider its proposal, the Union in turn is willing to consider a recommendation by the Chairman for (1) an enlarged program of special gangs in the handling of especially hazardous cargoes, and (2) a properly safeguarded plan for medical examinations for men seeking employment in key classifications (winch drivers, hatch tenders, lift drivers and tractor drivers). Both of these matters bear directly on the frequency and severity of accidents, and such a recommendation if accepted would insure substantial savings to the employers.

^{1/} See Exhibit "M".

Medical plan

Coming to the merits of the Union's proposals, this is "one of those cases that could never be made plainer by argument". First, as to the proposal for a medical plan, there is no program of preventive care in effect. The only program in effect is the provision for treatment, under federal and state compensation acts, for occupational injuries or illnesses after incurred. Recovery under these acts involves especially difficult and complicated problems of proof. Because of the casual nature of employment in this industry, it is often difficult to trace disabling injury or disease to employment under any particular employer. Furthermore, without intending any criticism of the administrators of the present medical program who operate under numerous statutory handicaps, the present program as observed has resulted in considerable dissatisfaction (waiting periods, limited choice of doctors, etc.), at least some of which appears to be justified.

The Chairman recommends that the parties consider and develop an adequate medical program including preventive care. This is the least that can be recommended on the record, and all that is recommended. No attempt is made to set forth a specific program. If the principle of the recommendation be adopted, the parties should have no difficulty in agreeing on details. The approach should be in terms of the problems outlined by the Union, and programs already in effect in related or other industries, leaving room for adapting such programs to conditions in this industry.

Supplemental compensation

Second, the case for increased compensation for occupational injuries or disease, whether by statute or contract, is clear, in at least one respect. Maximum compensation under existing statutes is theoretically based on 2/3 of average actual earnings. The dollar maximum specified in the statutes roughly approximated that percentage at the time the statutes were enacted. Since that time dollar earnings have risen sharply, while maximum compensation, with exception of a \$5 per week increase under the California state act covering dock injuries, has remained constant. Furthermore, because of the sharp increases in cost of living since the statutes were enacted, the purchasing power of the maximum weekly compensation has decreased over fifty per cent. By any way of reckoning, the schedule of compensation has become grossly inadequate for reasons beyond the control of the longshoremen.

The foregoing discussion assumes that 66 2/3 per cent of actual average earnings represented a proper maximum as compensation for persons disabled by occupational injury or disease. This limitation was imposed partly on the theory that a higher percentage or full recovery of wages lost by such injury or disease would encourage malingering, or at least constitute a deterrent to compliance by workers with the safety principles. Plans for supplemental compensation negotiated with other industries in recent years indicate disagreement with this theory. The Chairman disclaims any special knowledge qualifying him to speak as an expert on this point. He merely calls attention to the fact.

Reference has already been made to unsuccessful efforts to liberalize existing statutes, state and federal, in the matter of securing more adequate compensation, elimination of waiting periods, and other adjustments. The question is whether this industry, in the absence of or pending such adjustments, should undertake the obligation to supplement the statutes, as part of an overall health and safety program.

The Chairman recognizes that the problem has broad philosophical implications, which he has not the temerity to pursue. The choice lies between the view that legislation constitutes the sole measure of the employer's obligation in matters of this kind, or simply a minimum standard. While the prevailing practice still reflects the former view, the trend in many industries is otherwise.

The equities in support of the Union's proposal for supplemental compensation by contract are clear. The possibilities of legislative relief are remote and speculative. The very least that could be recommended is that serious consideration be given to a program which would satisfy the equities. The appropriate limits of such a program, and the methods of its administration, are matters with which the parties themselves must wrestle.

The Chairman recommends that the parties consider and develop an adequate plan to supplement the compensation now available for workers in the event of occupational injury or disease, in the light of problems existing and conditions prevailing in this industry on the west coast.

Special skilled gangs

The foregoing general recommendations presuppose that the Union is ready and willing to cooperate in the intensified program of accident prevention recommended earlier in this report. Such cooperation, in addition to serving as a possible basis for improved relations between the parties, should produce substantial savings in direct and indirect accident costs. The Chairman has previously mentioned two potential sources of further savings, namely, increased use of special skilled gangs, and medical examinations.

The Chairman is advised that special skilled gangs are now in use in at least one port. Whether or not that be the case, the Chairman recommends that the parties consider and develop a program applicable to all ports under which accidents may be minimized by the use of special skilled gangs for handling especially hazardous cargo such as long steel and piling.

Medical examinations to assure or maintain fitness for job

The lives and limbs of thousands of longshoremen are literally in the hands of the winch driver and hatch tender, and, to a lesser degree, the lift driver and jitney driver. Yet no provision exists for medical examinations to determine the physical fitness for men seeking employment in those key occupations or otherwise. Nor is there any provision for assuring the continued fitness of key men on the job.

Until now, the employers have been unable to secure agreement by the Union to a medical examination program. This apparent paradox is not simply the result of indifference on the part of the Union or the men to the waste of human and economic resources involved. The explanation is to be found as in so many other aspects of this case, in past history and resulting misunderstanding or distrust. The basic premise throughout the Commission's report is that, if this report be favorably received, a fresh start will be made by both sides, at least in matters concerning health and safety. On this premise the avenue is clear.

The Chairman recommends (1) that the parties consider and develop an adequate program of medical examinations for men seeking employment in key occupations such as winch driver, hatch tender, lift driver or jitney driver; (2) that consideration be given to ways and means of assuring the continued fitness of key men on the job by the use of correctives such as eye glasses, etc., or by such other or further means as conditions may warrant.

CONCLUSION

The Chairman respectfully submits this report of the Commission in the belief that the recommendations contained therein offer a basis for cooperation in the development of a sound program of health and safety in this industry.

The separate statements of the union and industry members of the Commission follow.

/s/ Nathan P. Feinsinger, Chairman

Nathan P. Feinsinger

APPENDICES

- A. Union's original and revised demands concerning health and safety, and background material.
 1. Union's proposal of August 5, 1946, for new contract provisions.
 2. Union's proposal of August 26, 1946, for Pacific Coast Ship & Dock Rules.
 3. Summary of action by prior agencies dealing with subjects of health and safety. (Prepared by Employers at request of Chairman.)
 - ✓ 4. "A Chronology of the Union's Efforts for an Adequate Safety and Health Program." Prepared by the Union.) See also Appendix K7, "ILWU efforts to secure amendments to Longshoremen and Harbor Workers Compensation Act."
- B. Verbatim copies of Commission's minutes showing daily observations on its tour of inspection, with names of ships and docks omitted.
- C. Comments relating to 1809 accidents reported for the first quarter of 1947.
 1. "Summary of Reported Accidents -- 1st Quarter, 1947." (Prepared by Mr. Travers.)
 2. "Statistical Analysis of All Accidents Reported to Accident Prevention Bureau for the Period 1 January 1947 through 31 March 1947." (Prepared by Mr. Travers.)
 3. Union Comments on Document 2.
 4. "Reported Accidents -- S.F. Bay District, January-March, 1947; Source of Injury (A.S.A. The Accident Type)." (Submitted by Employers.)
 5. Same -- Puget Sound District.
 6. "Kind of Accidents Occurring while Working Different Types of Cargo" -- Columbia River District.
 7. Same -- San Francisco Bay District.
 8. Same -- Puget Sound District.
 9. "A Study of Five Hundred and Fifteen Stevedoring Accidents -- Based on an Analysis as to the Class of Cargo being handled and the Source of Injury." -- Southern California District.
 10. "Bulk Grain". (Submitted by Mr. Travers.)

- D. Comment by Mr. Jackman on WEA memorandum on "nature of longshore industry", etc.
- E. "Accident Prevention." (Submitted by Mr. Travers.)
- F. Comment by Mr. Jackman on WEA memorandum re "Employer - Employee relationship."
- G.
 - 1. "Accident Prevention on the Pacific Coast."
 - 2. (Union Comments.)
- H.
 - 1. "Longshore Accident Statistics." (Submitted by the Union.)
 - 2. "Comments on Longshore Accident Statistics Supplied to the Commission by the ILWU." (Submitted by the Employers.)
 - 3. "Remarks on Employer Memorandum, etc." (Submitted by the Union.)
 - 4. "Manual Rates, California Workmen's Compensation 1947." (Submitted by the Employers.)
 - 5. "Union Reply to Employer statement re Manual Rates etc."
 - 6. "Injuries and Accident Causes in the Longshore Industry, 1942." Bulletin No. 764. Published by Bureau of Labor Statistics, U.S. Dept. of Labor.
 - 7. "Work Injuries in the United States During 1945." Bulletin No. 889. Published by the Bureau of Labor Statistics, U.S. Dept. of Labor.
- I.
 - 1. "Comments on Observations of Stevedoring Operations in San Francisco and Los Angeles Harbors." (Submitted by Mr. Travers.)
 - 2. Memorandum on above. (Submitted by Mr. Jackman.)
 - 3. "Comments on Observations of Stevedoring Operations in Columbia River and Puget Sound Districts." (Submitted by Mr. Travers.)
- J.
 - 1. "Effect of Long Hours and Night Work on Accident Rate." (Submitted by the Union.)
 - 2. "Position on Night Work and Long Hours in Special Cargoes." (Submitted by the APB.)
 - 3. "Number of Days and Hours per Week Worked by San Francisco Longshoremen." (Submitted by the Employers.)

4. Statement of Ewan Clague, Commissioner of Labor Statistics, on the Effects of Hours of Work on Efficiency, Absenteeism, and Work Injuries.

K.

1. "Comment on WEA memorandum of 25 September 1947 entitled "Position on Health and Welfare Plan."
2. "Health and Mortality of Longshoremen."
3. "Workmen's Compensation for Pacific Coast Waterfront Workers: I The Laws; II A study of Longshoremen Injured in 1946."
4. "The Need for a Health and Welfare Plan in the Longshore Industry -- and Estimated Cost of the Union Proposal."
5. "Legislative Background of Compensation Levels in the Longshorements and Harbor Workers Compensation Act."
6. "Longshoremen and Harbor Workers Compensation Act -- State of California -- Deficiencies of Same as to Coverage."
7. "ILWU efforts to secure amendments to Longshoremen and Harbor Workers Compensation Act."
8. "Memorandum on Efforts of Affiliated Locals of ILWU to Financially Assist Ill or Injured Members and Provide Benefits for Families of Deceased Members."
9. "The Permanent Health Plan."
10. "Health and Welfare Programs Established through Collective Bargaining."

L.

1. "Health-Benefit Programs Established through Collective Bargaining" (1945) Bulletin No. 841. Published by Bureau of Labor Statistics, U.S. Dept. of Labor.
2. "Union Health and Welfare Plans," (1947) Bulletin No. 900. Published by Bureau of Labor Statistics, U.S. Dept. of Labor.

M.

1. See Document in Appendix K7.

SUPPLEMENT BY THE EMPLOYERS' REPRESENTATIVE

The several months' work by this Commission leading to the Report have been helpful and will without doubt continue to be so. The many field inspections and the days of discussion proved useful "to see ourselves as others see us." The Shipping Industry on the Pacific Coast will be occupied steadily with the problem of applying in a practical manner what has been gleaned as a result of the Commission's study.

Whatever has been done by the 150 shipping, stevedore and terminal operators supported by the work of the Association's Accident Prevention Bureau, there is always room for more and ever more. Shipping, as well as other industries which have taken a serious interest in accident prevention, has never been satisfied with its work in minimizing accidents and personal injuries. It may be in order to point out, however, that this is certainly one of the few, possibly the only organized industry, which has worked in an industry-wide way for more than a score of years to back up the activities of its several members to see that the maximum number of men are on the job and the minimum in the hospital.

The cooperation of the Union in the days and years ahead will be heartily welcome. The interest of men and management in the prevention of accidents is essentially one of common objective. Wherever there are differences, they are man made. The sole purpose is to enlarge the area of agreement and diminish the field of conflict. There can be no compromise by either the longshoremen or the employers with the necessity for constant vigilance in seeing that personal injuries are reduced and kept at the lowest minimum attainable.

Port cargo handling is by its very nature and its many variables among the most hazardous of industries. The conditions of the industry are inherently irregular but the results of the organized efforts for preventing accidents have been to make measurable progress in stabilizing the methods of cargo handling so that accidents may be prevented.

Progress in this industry is marked. For example, there have been but two fatalities for the nine months of 1947 in an industry operating on 600 ships in 20 ports on the Pacific Coast where well over 15,000 men have been employed. Insurance rates are at the lowest point in the history of this Coast and much less than elsewhere. There can be little doubt that this is substantially the result of this industry having in recent years the greatest accident prevention budget of effort and money in the Association's experience.

The continuity of effort is shown by the fact that in a score of years one Chief Safety Engineer guided for nearly that period of time and the second man has now taken over, having had over a decade of experience in this industry.

All government bodies which have reviewed the work of Pacific Coast shipping through its Accident Prevention Bureau have endorsed the work of the industry; including the National War Labor Board in a hearing which embraced the subject of accident prevention and in which the Chairman of this Commission served and concurred in the endorsement. A word of cheer would not have been amiss -- and would encourage employer morale.

There is a tendency to overlook the cooperation long practiced in the field of accident prevention by the longshoremen, demonstrated in the day-by-day experiences on board ship and on terminals whereby men and management practice the simple, homely bits of cooperation in seeing to it that care is exercised to avoid accidents.

Voluntarism is the basic principle which has guided the work of Pacific Coast shipping throughout its organized existence in the prevention of injuries to longshoremen. That principle continues to guide the industry in the many phases which embrace organized accident prevention. Compulsion in the prevention of accidents always brings in question its value and practicality. Unless men and management are voluntarily interested, effectiveness lessens. The staff of safety engineers who man the work of the industry in all of the ports on the Pacific Coast have no greater effect than their influence which they succeed in bringing to bear as experienced, trained and able men.

The engineers have as a matter of guiding policy, always remained free of labor conflicts throughout the history of the Bureau's existence. This the Union has gladly borne witness to. Such safety issues as the Union has raised in arbitration almost invariably have been rejected by the arbitrator as unreal.

A basic handicap to our further progress is the condition imposed by the Union upon the industry that not a single man among the 12,000 longshoremen is permitted to work steadily for one employer; all must be casual. The absence of the normal relationship of employer and employee must continue to be a major barrier to continued progress until the industry is rid of that abnormality.

✓ General dissent with the Commission's recommendations are submitted, we believe in basic form. On the matter of adding 31 more rules, our position is that this is both unnecessary and unwise. The practical objective of shipping is to secure acceptance and observance of the 104 rules which have already been worked out by the industry out of its experience over the past 20 years and which need a more whole-hearted observance. This calls for the cooperation of both the men and the Union, which the industry continues to seek.

On the "Recommendation to the Parties" and "To the Accident Prevention Bureau and I.L.W.U. Safety Committees", the Employers recognize that many of the conditions mentioned need bettering and they will do all in their power to obtain correction. However, they deem it unwise to have such recommendations included in their labor contract with the Union.

On the proposal for an I.L.W.U. Safety Committee to meet with the Accident Prevention Bureau for the purpose of adopting and carrying out a "comprehensive program", the Employers already have such a program and have long awaited cooperation by the Union in carrying it out. There has been no evidence over the years of any effort by the Union to assume responsibility for reducing the number of accidents occurring to longshoremen. The Employers would welcome such interest on the basis of voluntary cooperation.

On the labor issues it is noteworthy that the Chairman finds none of these have their roots in any evidence that there are health or safety causes for these issues which have been raised. Further, error in the facts has crept in; e.g. statement that the "shifts" (?) average 10 to 12 or 13 hours. The fact is that though the length of the periods of work are necessarily irregular in this industry, the average is $8\frac{1}{2}$ hours and in less than 2% of the jobs is there a period of work which runs more than 10 hours. There appears in the Report almost total indifference to the transparent fact that this is a transportation industry operating continuously, necessarily. Wrong perspective by the Union is indicated in the Chairman's report -- the Union "will consider" recommendations of the Chairman for special gangs to handle hazardous cargoes. On merit, for the prevention of accidents, special gangs are an obviously desirable means of minimizing accidents through the skills and cautions which come with specialization and experience in safe handling practices and personnel for difficult cargoes.

On the third group of recommendations, dealing with health and welfare, shipping would consider such activities if the basic approach of the Union were not one of conflict; though we consider these subjects are outside the Commission's scope. Where health and welfare are predicated on common interest, no one in industry of right mind would do other than gladly consider such proposals. The "Health and Welfare" of shipping also surely needs to be considered -- in our mutual interest. Frankly, this industry in which labor costs have multiplied by four though wage rates have only doubled, cannot face additional burdens except out of economies easily to be effected in the industry through cooperation replacing the conflict which is chronic. Concerning supplementing the provisions of Federal and State Workmen's Compensation laws; however inadequate these may be in this industry such laws rank the best anywhere in the country.

In conclusion, while the industry will continue its efforts in accident prevention and will welcome the voluntary cooperation of the Union, it is unwise to undertake any further contractual relations on the subject of safety, for such further inclusions would, in its opinion, enlarge rather than diminish the areas of conflict.

November 7, 1947

/s/ Joseph H. Travers
Joseph H. Travers
Industry Member

OPINION OF ILWU MEMBER OF
LONGSHORE SAFETY COMMISSION

Before discussing the report and recommendations of the Commission as such, further brief comment is in order regarding the nature and extent of the Commission's surveys and investigations pursuant to which the report and recommendations are submitted.

It was determined at the outset and by unanimous agreement, that the Commission would make its investigations thorough and exhaustive by going aboard all types of vessels in each of the four major Pacific Coast areas; observing operations at first hand on both ships and docks; and agreeing insofar as possible on what was observed at the end of each day's inspections.

As stated in the report, the minutes of the Commission, drafted after each day's inspections were, in the main, prepared by the ILWU and WEA representatives themselves. Consequently such minutes, jointly signed by all members of the Commission, provide an accurate record of the situation in Pacific Coast ports as pertaining to "all of the problems of health and safety".

Night surveys were conducted in each port area as well as surveys during day time hours. Various persons representing not only the parties to the labor agreement, but also government, were consulted and interviewed.

In short, the recommendations of the Commission were arrived at only after extended observations of actual operations and careful consideration and appraisal of all factors involved. Therefore, such recommendations are founded upon adequately substantial grounds to justify their fullest acceptance by the parties.

The Union member of the Commission cites the fact that in the entire course of the Commission's surveys not one single instance of drunkenness on the job was observed. In every case cargo handling operations were proceeding with expedition and dispatch. The workers, in practically all cases, were doing their jobs in a business like responsible manner.

The responsibility and workmanlike manner of the longshoremen, clerks and carloaders; their sobriety and diligence, are worthy of citation as factors which in themselves unquestionably reduce injury frequency, and conversely place the responsibility for the high frequency that continues notwithstanding squarely upon the employer. Allegations made over the years by the Waterfront Employers Association that drunkenness and slow-down existed on West Coast waterfronts are completely invalidated by the first-hand observations of each member of the Commission.

PART I - ACCIDENT PREVENTION - Specific Recommendations

The Commission recommends that 34 new or amended sections be added to the existing Pacific Coast Marine Safety Code. The majority of such recommended code sections pertain to operations shoreside by reason of the fact that no specific Dock Code, as such, has ever been in existence in Pacific Coast ports, excepting for such regulations as obtain in State Safety Codes. (California and Washington)

The Union member of the Commission is of the opinion that other and additional recommendations should have been made. Specifically, the Commission should have dealt affirmatively with: (a) minimum clearance around hatch coamings in the stowage of deck loads and (b) the so-called "should" rules of the existing Code.

The Union proposal that all "should" or so-called advisory rules of the present code be made mandatory by substitution of the word "shall", was not acted on affirmatively by the Commission because of unclarity as to what difference, if any, actually existed between the so-called "should" rules and the "shall" rules insofar as practical effect or enforcement is concerned.

The Union member of the Commission interprets this position as stating in effect that "should" rules are and should be effective at all times unless there are actually unsurmountable obstacles preventing. The Chairman's discussion of this point as set forth on page 16 of the report, can only mean that realistically and in practice there is the same compulsion attendant upon enforcement of "should" rules as "shall" rules.

Looked at in toto, Part I of the report dealing with the limited field of accident prevention, represents substantial progress long overdue, in the field of safety for maritime shoreside workers.

These recommendations, if accepted and made effective by the parties, will unquestionably reduce the appalling frequency of preventable injuries in the industry.

Of special importance from the standpoint of "follow through" is the Commission's recommendation for the establishment of an ILMU Safety Committee to function with the Accident Prevention Bureau of the WEA in a health and safety program in general and accident prevention in particular. This recommendation, if effectuated, will be the cornerstone upon which to build a broad and effective prevention program for the future.

Further, the various general recommendations referred directly to the APB and proposed ILWU safety committees can only be acted upon if the basis for such action is made possible by establishment of the ILWU Safety Committee, and recognition of such committee, once it is established, by the APB-WEA in carrying forward an intensified and controlled program of accident prevention. The extent to which such committees will function effectively will, of course, be determined by the degree of good faith shown on both sides in divorcing matters of health and safety from matters that are purely and primarily within the labor relations field. Although the union member of the Commission believes the recommendation for joint meetings and action by the respective safety committees of the parties can be highly beneficial as proposed, (providing good faith is attendant upon their efforts), nevertheless the recommendation would have been more effective had it contained provision for resolving issues of accident prevention on which the respective safety committees themselves might not see eye to eye.

One practical way of resolving such issues (if indeed they should arise) would be through consultation with competent persons entirely disassociated from either the Union or the employer. Occasional attendance and participation of competent and disinterested parties in joint meetings of the respective committees, might, in itself, be highly desirable and beneficial. For example, safety consultants might be made available by the Bureau of Employees Compensation, Federal Security Agency. These particular safety consultants would appear to be especially capable of assisting the respective committees inasmuch as they are intimately associated with the improvement of safety standards in maritime employments in the course of their regular work for the Federal Government.

The only further comment with respect to Section 1 of the report is the statement of the employer member of the Commission that "75% of injuries which are suffered by longshoremen are due to causes which can be remedied only through training of the men in safe acts and practices and the enforcement of such acts and practices."

It is sufficient response to the above statement to quote Mr. Roland P. Blake, a recognized authority on the subject of industrial safety, as follows:

"...first attention should always be given to eliminating or reducing the physical hazard or fault. In nearly every case of accidental injury, both a physical hazard and a personal fault will be found. Studies by a committee of the American Society of Safety Engineers showed that in some 80 per cent of a thousand cases studied the physical hazard could either have been eliminated or reduced by practicable means. It is obvious that had this been done the personal fault would have been very much less likely to lead to injury. Therefore, the same common sense course is to reduce physical hazards by every reasonably possible means and then make every effort to eliminate personal faults also. Undoubtedly, if we could find a worker who would never make a wrong move he could operate the most hazardous machinery unguarded without getting hurt. Comforting as such a viewpoint may be to those who are unwilling to spend money generously in the interests of safety, it is not the way to eliminate preventable injuries. The best safety records are being made and maintained by those who use every effort to discover and correct all unsafe physical conditions and in addition painstakingly and continuously train and stimulate every employee to work safely."^{1/} (underscoring supplied)

PART II - ACCIDENT PREVENTION - General Recommendations

Section 2 of the report consists of a number of general recommendations to the parties themselves and various other recommendations to the Accident Prevention Bureau-WEA and the proposed ILWU Safety Committees.

These recommendations, although general, do state, in most cases, the objective to be achieved without prescribing the specific means of doing so.

The parties and/or their respective Safety Committees should immediately take all necessary steps to achieve the objectives set forth in this section of the report.

^{1/} U.S. Dept. of Labor, Division of Labor Standards, "Accident injury causes and sources".

PART III - OTHER MATTERS RELATING TO HEALTH AND SAFETY

The Commission's recommendations as set forth in this section and dealing with (a) length of shift, (b) after midnight work, and (c) night work on especially hazardous cargoes, represents progress inasmuch as a maximum standard eight-hour day shift and reduction to an absolute minimum of after midnight work are recommended.

The Union member of the Commission believes the Commission should have gone farther by eliminating all work between midnight and 7 a.m. This Union proposal, if affirmatively recommended would have automatically solved the issue of length of night shifts.

Further, the Commission should have recommended elimination of all night work on such admittedly extra dangerous commodities as long piling and long steel.

PART IV- OF CABBAGES AND KINGS - INCLUDING JURISDICTION

This section of the report deals primarily with the union proposal that an employer financed health and welfare fund be established for certain specific purposes which are outlined in detail in the report itself.

The Commission properly assumed jurisdiction and on the basis of the clear and overwhelming record made on merit, recommended: (a) that the parties develop an adequate plan to supplement compensation presently payable to ILWU maritime workers under the various Acts and (b) that the parties develop and effectuate a pre-paid medical insurance/^{plan}for ILWU maritime workers.

The Union member of the Commission concurs in the recommendations of the Chairman as stated in this section of the report. The very least that the Waterfront Employers Association can do in accepting the recommendation pertaining to supplemental compensation is to provide for all ILWU maritime workers employed by them, a contractual right to supplemental compensation

sufficient to give all of such workers who are injured in the course of their employment benefits totaling not less than 66 2/3% of their average actual earnings. Such benefits under the recommendation would obtain during the period of the disability and from first day of injury.

Regarding the recommendation for pre-paid medical insurance, acceptance by the employer would mean that group medical insurance, pre-paid by the employer, would be provided for all registered ILWU maritime workers on the Pacific Coast for illness or injury, whether occupational or non-occupational.

There is more than ample precedent in American industry generally to support and justify the recommendation for pre-paid group medical insurance for ILWU maritime workers. Welfare funds as such, providing not only for preventive medical care, but also for supplemental compensation in event of industrial injury, during confinement and for rehabilitation, are by no means an innovation to the American industrial scene. As a matter of fact, we are rapidly approaching the point where the welfare of the worker, both on the job and off the job, is being recognized as a responsibility of management--a wholly justified and necessary "cost of operations."

Lengthy discussion recently took place in the National Congress on the matter of health and welfare funds in connection with debate on that part of the Taft-Hartley Law which sought to impose certain restrictions on administration of such funds. Throughout such debate, references were made both by opponents and proponents of the proposed amendment to the fact that such funds were desirable and necessary, and were becoming more and more accepted by employers as a legitimate expense of management. Not one single Senator objected to health and welfare funds as such; on the contrary they endorsed such funds, directly or indirectly.

The following direct quotes from the Congressional Record are considered sufficiently in point to incorporate in this opinion:

SENATOR MURRAY, Congressional Record, 4/25/47 (p. 4157):

"... Two significant features became apparent in the course of studying these welfare funds. First, it appeared in the interest of sound governmental policy to encourage rather than confine or prohibit voluntary private plans aiding citizens by medical care, hospitalization, or other methods protecting their health and well-being and easing the blow of physical or economic misfortune and distress. These plans decrease the responsibility and burdens of the State ... Second, existing welfare plans and funds established by employers or by unions, administered jointly or by one group or the other, in many instances resulting from collective-bargaining agreements, affecting millions of workers, might well be dealt a disastrous blow by arbitrary legislation. An examination of the scope and development of these plans today is enough to convince of the inherent danger of such action in terms of industrial strife and injury to the public welfare.

It is indisputable that the administration of untold numbers of these systems would be adversely and needlessly affected by restrictive legislation. Some industrial experts estimate that 4,000,000 workers are covered by some form of health-benefit plan negotiated by unions and employers. The Bureau of Labor Statistics--Collective Bargaining Developments in Health and Welfare Plans, 64 Monthly Labor Review 191--very conservatively states that at present 1,250,000 are covered by such plans. These workers are employed in clothing, textiles, coal mining, building trades, fur and leather, furniture, hotel, laundry, cleaning and dyeing, office, paper, retail and wholesale trade, shipbuilding, and street and electric railway industries ..."

SENATOR BALL, Congressional Record, 5/7/47 (p. 4805):

"... More and more, unions, local, international and regional, are demanding the establishment of such welfare funds in negotiations with employers ..."

SENATOR PEPPER, Congressional Record, 5/7/47 (p. 4807):

"... It is my opinion that the welfare fund is as justifiable a levy upon a commodity as are payments under the workmen's compensation law. A little while ago there were those who thought that it was an invasion of private rights for the various States to enact workmen's compensation laws to compensate workers for the human wreckage and deterioration incident to industry. It has been recognized, of course, that the employer has the right to charge off deterioration and depreciation for machinery that has broken down by accident. That is a part of the cost of doing business. But if a body were broken, if a human being broke down, it was said that it would be an invasion of private-property rights if that were made a charge upon the business, a business expense. Then, thank God, the social conscience of this Nation was awakened, and, so far as I know, every State finally provided workmen's compensation laws which made human wreckage a part of the cost of doing business.

So, Mr. President, we got away from the practice of an injured man's having to call a lawyer and having to give 50 per cent of his recovery to the lawyer in order to get it, and possibly not receive anything at all in the end.

The welfare fund, in my opinion, Mr. President, is an extension of the same principle. Industry, in my opinion, should be charged with a partial responsibility for the care and maintenance of people who work in a plant as well as for the care and maintenance of the plant itself. That is essentially the function of the welfare fund ...

Anyone who contemplates the number of people who are being wasted by the profligacy of the industrial process of this land, would, it seems to me, be sympathetic towards this fine movement of private enterprise finding a way of caring for its workers, and would insist that, instead of Congress trying to thwart, retard, and retrogress the process, it should write a provision in the bill declaring it to be the national policy to encourage the establishment of welfare funds in every industry in the land ..."

SENATOR IVES, Congressional Record, 5/8/47 (p. 4878):

"... There is one thing I want to point out in connection with the matter of welfare funds, and that is that it has been a practice in the United States for the last few years to encourage the establishment of this type of fund. This is the one thing which exists as a result of joint operations between management and labor in which labor itself--the employees--is overwhelmingly in accord. ..." (underscoring supplied)

SENATOR MORSE, Congressional Record, 5/8/47 (p. 4882):

"... It may be that harmony is really threatened in an industry, because of inadequate health or welfare provisions. If that is what has produced the great unrest in a certain industry; if that is what is causing a great many workers to leave one industry and seek employment in some other industry; if that is what is causing many "quickie" strikes--as I think will be found to be the case in certain industries in which at least allegations are made that the employer's orders are detrimental to the health and safety of the workers, and so, therefore, they do not intend to carry them out until the health and safety problem can be solved--I say the approach should not preclude handling the matter by free collective bargaining ..." (underscoring supplied)

Further attention was recently focused on the major stake which industry has in raising the general health level of its employees at a recent meeting of 1200 civic leaders in the Waldorf-Astoria Hotel in New York City. The following report of such meeting and statements made by top flight employer representatives in attendance appeared in the New York Times under date of October 1, 1947. The article entitled "Cost of Illness in Industry Cited", read in part as follows:

"Industry has a major stake in raising the general health level in the United States, Frank W. Abrams, chairman of the board of the Standard Oil Company, (New Jersey), told 1,200 civic leaders last night at a dinner in the Waldorf-Astoria Hotel.

"Absenteeism due to illness operates as a curb on production in the same fashion as strikes and industrial strife, he emphasized. An improvement in health, he said, can improve productivity as much as the efficient use of machines increased it in the past.

"Mr. Abrams was the principal speaker at the dinner, which opened a campaign to raise \$4,000,000 from business and industry for the New York University Bellevue Medical Center Fund. Other speakers included Dr. Robert A. Kehoe, director of Kettering Laboratory, Cincinnati; Chancellor Harry Woodburn Chase of New York University; Dr. Howard A. Rusk, Chairman of the N.Y.U. Department of Rehabilitation, and Nevel Ford, vice-president of the First Boston Corporation and general chairman of the campaign.

"Wintrop W. Aldrich, chairman of the board of the Chase National Bank, was toastmaster. Among the special guests were representatives of fifteen nations in the United Nations Assembly and physicians from seven foreign nations.

"Confessing that industrial management's fascination with engineering and technical aspects of production in the past resulted in neglect of human problems and opportunities, Mr. Abrams said that in recent years this attitude has undergone a change.

"'... industry and individual enterprise have a great deal to gain from a wide and thorough use of preventive medicine and what we might call constructive medicine,' he continued. 'It is the job of good industrial management not only to maintain a healthy individual--to prevent illness--but also to help the men and women of an organization to improve their physical condition.

"'It seems to us that the organization that develops and maintains a healthier, more vigorous personnel is automatically achieving at least two highly important competitive advantages. In the first place, such an organization is apt to get the first choice of the best people in any community in which it operates. In the second place, it is far less likely to have explosive human relations troubles. I do not mean simply that people in good health are less explosive. I mean that consideration for the individual and his problems which are inherent in any intelligent health program, is in itself a good thing from the viewpoint of business leadership ...'

"Dr. Kehoe emphasized the importance of controlling occupational conditions.

"In a world torn with international strife and generally afflicted with social, political and economic ill health, neither our people nor society as a whole can longer afford to neglect the immediate human problems of occupational ill health and maladjustment and the widespread discontent in the performance of the day's work, 'he said.

"These problems must be attacked on a broad base, in the recognition that they are varied, complex and subject to continual change in our highly organized industrial civilization. Any honest attempt to solve them will require extensive facilities in equipment and in trained personnel for both research and practice.'

"Dr. Rusk noted that the economic loss to the nation through disability exceeds \$13,500,000,000 in 1946, of which \$6,500,000,000 represented loss of production efficiency and compensation costs to employers. The remainder is divided between the cost of medical care and loss of wages to employees.

"'Loss of production through worker disability,' he continued, 'means higher production costs and higher prices to the consumer. Each working day 625,000 workers are absent from their jobs because of disability. Through sound medical care and rehabilitation, these absences should be substantially reduced with marked savings to the worker, the employer and the consumer.'"

With respect to sick leave on which no recommendation was made, the Union member of the Commission desires to point out that the clear record made with respect to the gross inadequacy of compensation in cases of industrial injury (and the resultant serious economic dislocation), are even more applicable with respect to sickness or injury for which no compensation whatsoever is provided by law.

Certainly the plight of the injured worker, arising out of the gross inadequacy of compensation is highly intensified in cases of prolonged illness or disability where no compensation whatsoever is payable by statutory right.

Be that as it may, the recommendations as regards supplemental compensation and pre-paid medical insurance, are forthright and courageous. The Union member of the Commission vigorously supports the position of the Chairman.

There can be no question but that the recommendation of the Commission for supplemental compensation and pre-paid group medical insurance is completely sound and will in the long run benefit not only the workers but also the employers, the shippers and the general public as a whole.

The Union member of the Commission likewise concurs in the recommendation of the Chairman for the increasing use of special skilled gangs on especially hazardous cargoes. It is ⁱⁿ order to point out in this connection, however, that as its corollary the wage rate should be simultaneously examined with the view to establishing a skill differential for such admittedly special skilled gangs.

The last recommendation of the Commission deals with the Chairman's proposal that the parties develop an adequate program of medical examinations for new men seeking employment in key occupations, (winch drivers, hatch tenders, lift drivers, and jitney drivers) and that consideration be given to ways and means of assuring the continued fitness of key men already so classified.

The Union member of the commission refers this recommendation to the ILLWU without comment excepting to state that, consistent with the Chairman's own thinking on this matter, any program of medical examinations would necessarily be under the complete joint control of both the Union and the Employer with appeal rights reserved. Further, such examinations would be effective only for new men seeking such key classifications. Acceptance of this recommendation would mark a drastic departure from past practices and could only be favorably considered as part of the whole of the Commission's Report and Recommendations.

PART V - CONCLUSION

Excepting as clarified by the foregoing comments, the Union member of the Commission concurs in and supports the report of the Commission and its Chairman.

The Union member of the Commission further believes that the report and recommendations of the Commission and its Chairman are completely sound and practical and should forthwith be adopted and effectuated by the parties.

Respectfully submitted,


Cole Jackman
ILWU Representative
Pacific Coast Longshore
Safety Commission

November 12, 1947