



Dewey
MASS. INST. OF
APR 23 1981
L...

No 1203

WORKING PAPER
ALFRED P. SLOAN SCHOOL OF MANAGEMENT

SOCIAL ISSUES IN
COLLECTIVE BARGAINING 1950-1980:
A CRITICAL ASSESSMENT

Phyllis A. Wallace*
and
James W. Driscoll**

WP 1203-81

April 1, 1981

MASSACHUSETTS
INSTITUTE OF TECHNOLOGY
50 MEMORIAL DRIVE
CAMBRIDGE, MASSACHUSETTS 02139

SOCIAL ISSUES IN
COLLECTIVE BARGAINING 1950-1980:
A CRITICAL ASSESSMENT

Phyllis A. Wallace^{*}
and
James W. Driscoll^{**}

WP 1203-81

April 1, 1981

This report was prepared as a chapter for the book U.S. Industrial Relations 1950-1980: A Critical Assessment (Industrial Relations Research Association, 1981), edited by Jack Stieber, D. Quinn Mills, and Robert B. McKersie.

*Professor
Industrial Relations Section
617-253-7169

**Assistant Professor
Industrial Relations Section
617-253-7998

Alfred P. Sloan School of Management
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

M.I.T. LIBRARIES
APR 23 1981
RECEIVED

INTRODUCTION

This chapter examines how collective bargaining, especially in the last two decades, has responded to the challenge of three major social issues: equal employment opportunity, occupational safety and health, and the quality of work life. Further, the implication of this response for the future of collective bargaining as an institution is briefly explored.

The key events during the period in question were the social upheavals of the 1960s. This decade began with the crest of the civil rights movement. Sit-ins, freedom rides, and confrontations over jobs in the construction trades were highlighted by the passage of the Civil Rights Act of 1964.. The latter half of the decade brought anti-war demonstrations, as well as demands from environmentalists, women, young people, and other groups in the society.

Although this social militancy took place largely outside the workplace, these demands were eventually reflected in the workplace. Title VII of the Civil Rights Act of 1964 prohibited discrimination in employment based on race, color, religion, national origin, or sex. Government contractors were obligated to develop affirmative action plans in order to improve their utilization of women and minorities. The Occupational Safety and Health Act of 1970 guaranteed to workers the right to a workplace free from hazards to life or limb. Finally, concern over worker apathy and distrust in institutions led to the establishment of employer programs to "improve the quality of work life."

An historical perspective on the institution of collective bargaining would predict its response to social issues. Unionism in the U.S. is usually labelled (with some exaggeration) both "business" and "job-centered". Certainly

0742341

union demands in bargaining have emphasized economic protection for its membership over broader social and political concerns. However, workers in the U.S. did not simply choose and develop this particular style of unionism in a vacuum. Employers and all levels of government, consistently and often, violently opposed more radical forms of labor organization. Even during the period in question, a more sophisticated employer resistance (typified by consultants for a "union-free environment") and a new round of government regulation (state right-to-work laws and the Landrum-Griffin Act) contributed to the protectionist stance of American labor unions. Since this chapter assesses collective bargaining precisely on social issues, the reader should remember the contribution of all three actors in the industrial relations system--labor, management, and government--to the shape of unions in the U.S. and the scope of collective bargaining.

Part II discusses equal employment opportunity, Part III safety and health, and Part IV, the quality of work life. After reviewing the bargaining experience with these three major social issues, we comment on the future role of collective bargaining in dealing with expanding social demands. Each part of the chapter can be read separately, and the conclusion identifies themes cutting across the three issues.

EQUAL EMPLOYMENT OPPORTUNITY

Although equal employment opportunity emphasizes the role of women and minority workers, the collective bargaining issues examined in this section focus mainly on minorities. Minority workers bore the brunt of the adjustment on equal employment opportunities because during the first five years of the implementation of these federal rules and regulations, the overwhelming concern was racial discrimination. Since most women work in white collar occupations in the non-union sector, their involvement with unions has been limited. Even so, in 1977, women workers comprised 27.6 percent of employed wage and salary workers in labor organizations.¹

The accommodation of unions to equal employment opportunity pressures has ranged from hostility and resistance to cooperation. Conflicts surrounding the referral and training policies of some craft unions in the construction industry, strategies used by several large industrial unions to protect seniority principles, and the enforcement of contract rights through arbitration, represent the areas of significant tension between unions and minority workers. During the past fifteen years, the patterns and practices of collective bargaining were severely challenged by the stance of minority workers on these issues. Disputes that arose in the workplace over equal employment opportunity matters were resolved through external mechanisms. Contractual agreement and industrial self-government were pitted against independent statutory rights.

A brief review of the role of minorities in collective bargaining, the legal perspectives of fair representation, and the relationship of unions and the Equal Employment Opportunity Commission provide the background for the more detailed analysis of referral unions, seniority, and arbitration. Implicit in this discussion is an understanding that collective bargaining activities are not unilateral actions by unions, however only the role of the union is discussed in this chapter.

Role of Minorities in Collective Bargaining

Until recently, blacks, the largest group of minority workers, shared an agenda of common objectives with unions only sporadically. Mutual suspicions on both sides contributed to the hostility and conflict. During the latter part of the nineteenth century, blacks were excluded from membership in many craft unions, and where there were fewer restrictions, were forced to operate in segregated locals.² As late as 1919 blacks were used as strikebreakers in the steel industry, thereby threatening the status of white union members. The gap between the perception by blacks of unions as discriminating organizations, and the reality of unions reflecting the social norms of the status quo, has been reduced over time.

The rise of the CIO and industrial unions in the 1930s greatly increased the number of black union members and helped to reduce some of the tension between unions and the black community. After the AFL-CIO merger in 1955 the rising militancy of black workers and, at times, the violent confrontations over construction jobs again intensified the conflict. During the deep recession of 1974-75, tensions were exacerbated by the conflict between seniority issues and the implementation of affirmative action programs. The seniority provisions governing layoffs threatened to wipe out the gains made by affirmative action and other enforcement mechanisms of Title VII of the Civil Rights Act of 1964, during the previous decade.

By the end of the decade of the 1970s blacks had increased their membership in many of the largest unions, and they were more visible in union-leadership positions. Although blacks accounted for 11.2 percent of the civilian labor force, they contributed 14.2 percent of labor organization members in 1977.³ About 33% of all blacks who earn wages and salaries were represented by unions, as compared with 26% for whites. The 1979 Quality of Employment Survey conducted by the Survey Research Center at the University of Michigan revealed that 67% of blacks who were not union members would vote to unionize, as compared with only a third of white non-union members who would support such action.⁴ This finding

underscores what several researchers had noted earlier--that a receptive audience may have been found due to the fact that the earnings of black workers relative to white workers are consistently higher in unionized than in non-union labor markets.

Nevertheless, the interests of black union members will frequently diverge from those of the union leadership, and senior white union members, especially on discrimination issues at the local level. This leadership, whether its purpose is to protect the interest of union members or to stabilize the political alignment within the union, resists external pressures to broaden the social perspective of their organizations. As recently as 1970 Bok and Dunlop commented "It is hardly surprising, therefore, that many local unions include a substantial group of members who have strong prejudices on race issues."⁵ They note further that, while the AFL-CIO has sought to persuade some national and local unions to change their policies on minorities, that organization has not been willing to support the drastic penalty of expulsion for fear of widespread secession from uncooperative unions: "As for the national and international unions, their leaders have chosen to reserve their limited powers of compulsion, such as trusteeship, for occasions involving political struggles for control of a local, corruption, and maintaining authority in disputes with employers."⁶

By 1978, however, 95% of the major collective bargaining agreements (covering 1,000 workers or more) had antidiscrimination clauses.⁷ In another survey by the Bureau of National Affairs (BNA), discrimination on the basis of race, color, religion, sex, national origin, or age was banned in 84% of the sample contracts, which was up from 46% in the 1970 survey and only 28% in 1965.⁸ The arbitration of discrimination grievances under a contract's general non-discrimination clause may prove to be the most difficult objective to be achieved before black union members perceive unions in the same manner as do their white counterparts.

Legal Perspectives on Fair Representation

Unions have met their obligations to minority workers under both the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. Prior to the 1960s, unions grappled with the issue of the duty to represent fairly all of the workers within the bargaining unit. The fair representation doctrine established by the Supreme Court in the Steele v. Louisville and Nashville Railroad Co. decision (1944) stipulated: "So long as a labor union assumes to act as a statutory representative of a craft, it cannot rightly refuse to perform the duty--to represent the entire membership of the craft--without hostile discrimination, fairly, impartially and in good faith."⁹ This doctrine declared a statutory duty under the Railway Labor Act and was later applied to the National Labor Relations Act. The duty of fair representation applies to union conduct that involves the exercise of the union's power of exclusive representation in bargaining and grievance processing: "In those situations the individual employee has no power to protect his own best interests; rather, he must rely on the union to protect them in its actions as collective bargaining representative."¹⁰

The problem of fair representation as an unfair labor practice in a racial context was not treated until twenty years after the Steele case in the Hughes Tool Company (1964) case. The National Labor Relations Board held in this case that the refusal of a union to process a worker's grievance because of race was an unfair labor practice subject to certain remedies.¹¹ After the passage of Title VII of the Civil Rights Act of 1964 there was less reason to handle racial issues under the duty of fair representation.

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, seeks to rectify employment discrimination by employers, labor organizations, and employment agencies. A labor organization is not permitted under Section 703(c):

(1) to exclude or to expel from its membership or otherwise discriminate against any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or applicants for membership or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against any individual in violation of this section.¹²

Joint labor-management committees controlling apprenticeship or other training and retraining programs were also prohibited from discriminating against an individual because of his race, color, religion, sex, or national origin. Title VII applies to employers, labor organizations, and employment agencies employing or serving more than fifteen people.

Two other sections of Title VII, Section 703(h) which exempts bona fide seniority systems, and Section 703(j) which prohibits preferential treatment, have been at the core of some of the most bitter disputes between unions, and minority and women workers. Section 703(h) states in part:

Notwithstanding any other provision of this Title, it shall not be an unlawful employment practice for any employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system--provided that such differences are not the result of

an intention to discriminate because of race, color, religion, sex, or national origin.¹³

Section 703(j) states:

Nothing contained in this Title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this Title to grant preferential treatment to any individual or any group because of the race, color, religion, sex, or national origin of such an individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by an employer, referred or classified for employment by any employment agency or labor organization, or admitted to, or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community, state, section, or other area, or in the available work force in any community, state, section, or other area.¹⁴

Although the Equal Employment Opportunity Commission (EEOC) was given the major responsibility for administration of Title VII, Federal district courts have broad discretionary powers to fashion remedies to overcome the effects of past and present employment discrimination.

Until the restructuring of the equal employment opportunities in 1978, the Federal effort was fragmented with jurisdictional disputes over which agency had the major responsibility for implementation of these laws and regulations. At the present time the EEOC has become the super agency, but a greatly strengthened Office of Federal Contract Compliance Programs (OFCCP) in the Department of Labor still administers the anti-discrimination program for government contractors under

Executive Order 11246.

Unions and the EEOC

Since the passage of Title VII of the Civil Rights Act of 1964, unions and the EEOC have endured a strained relationship. The main issue has been whether strenuous good faith bargaining and grievance processing within the collective bargaining context satisfied the union's duty under Title VII. The courts have held both parties to a collective bargaining agreement responsible for the agreement. The difficulty is in distinguishing between those situations in which a union bargains for or tacitly accepts employment discrimination and those where the union actively resists discrimination but because of inadequate bargaining strength cannot force its position on the contractor.¹⁵

Since the Steele decision unions have been obliged to attempt to protect minority members from the discriminatory acts of employers. Under Title VII unions are liable for their role in negotiating, signing, and administering collective bargaining contracts containing discriminatory provisions. For example, until the Teamsters decision in 1977 unions were held liable for seniority systems that perpetuated past discrimination by locking blacks into undesirable jobs.¹⁶ A note in the Harvard Law Review (February 1980) on union liability for employer discrimination concludes that "regardless of its pre-contract negotiating efforts, a union violates Title VII when it signs a collective bargaining agreement which discriminates in operation."¹⁷

Many union officials believed that unions could play a positive role in correcting discriminatory practices. However, some of these officials complained that the EEOC refused to recognize affirmative actions of unions and routinely named unions as defendants. In examining the role of unions in the early years of EEOC, Wolkinson noted sharp conflict between local unions and EEOC, and concluded that sometimes the non-construction international unions intervened in order to protect international authority or safeguard existing seniority arrangements.

Wolkinson determined that in nearly 60% of the cases in his study, the international union's presence only hindered the Commission's compliance efforts.¹⁸

It was not until 1980 that the EEOC adopted a formal resolution agreeing to a discretionary legal strategy towards unions with "good faith" efforts on equal employment opportunity when made by parties in collective bargaining arrangements.¹⁹ These efforts will be taken into account during the processing of investigation, conciliation, and enforcement.

Referral Unions in the Construction Industry

The construction industry was the target of extensive confrontations between unions, contractors, and minorities, because the latter group perceived racial exclusion and discrimination to be widespread in the referral unions. From World War II to 1963 successive executive orders imposed an obligation on federal contractors not to discriminate on the basis of race, religion, or national origin, but these regulations lacked jurisdiction over labor unions. In 1963 Executive Order 11114 expanded the antidiscrimination program to include federally assisted construction contracts as well as procurement contractors. Construction unions became more directly involved in implementation of affirmative action objectives because these craft unions operate hiring halls from which workers are referred to employers. Construction hiring halls were mainly adopted immediately preceding and following the 1959 Landrum-Griffin Act.²⁰ By acting as employment intermediaries between their members and contractors, these unions are able to control the supply of labor. This control was used to exclude minorities from membership, apprenticeship training programs, and from many kinds of jobs in the skilled construction crafts. Although black construction workers accounted for slightly under ten percent of all workers in the construction trades, in 1978 they were still a small percent of electricians (4.8%), plumbers and pipefitters (2.8%), structural metal workers (4.3%), sheet metal workers (2.3%), and highly skilled crafts. Nevertheless, these mechanical trades did increase the black membership

from 1.6 percent to 4 percent of all referral members between 1969 and 1978.²¹

Initially, federal contractors were asked to obtain written statements from their unions pledging cooperation on nondiscrimination. Compliance was not easily achieved and eventually an operational procedure of great specificity was designed to assure implementation of the 1965 Executive Order 11246. The legality of goals and timetables established for an affirmative action program in the metropolitan Philadelphia labor market was upheld in Contractors Association of Eastern Pennsylvania v. Secretary of Labor.²² Manning tables specifying the number of minorities to be employed in various crafts had been prescribed in the late 1960's in St. Louis (U.S. v. Sheet Metal Workers Local 36, Building and Construction Trades Council), Cleveland (Etheridge v. Rhodes and Weiner v. Cuyahoga Community College), and Seattle (U.S. v. Ironworkers Local 86).²³ All plans had been vigorously challenged in the courts by locals of craft unions or international unions, or briefs opposing the plans had been filed by the Building and Trades Department of the AFL-CIO. The revised Philadelphia Plan of 1969 set specific goals to be achieved over a four year period for the utilization of minority manpower in six selected skilled crafts: ironworkers, plumbers and pipefitters, steamfitters, sheet metal workers, and elevator construction workers. In these crafts minority representation was one percent as compared with an overall minority representation of thirty percent in the construction industry in the five county Philadelphia area. The Philadelphia Plan required a good faith effort by the contractors to achieve the goals. Failing that, sanctions could be imposed.

The Third Circuit Court affirmed the ruling of the District Court on the Philadelphia Plan, and noted that it did not violate the National Labor Relations Act, the Civil Rights Act of 1964, or the Fifth Amendment of the Constitution: "The Philadelphia Plan is valid Executive action designed to remedy the perceived evil that minority tradesmen have not been included in the labor pool available for the performance of construction projects in which the federal government has a cost and performance interest."²⁴

U. S. District Judge Weiner had held:

The heartbeat of 'affirmative action' is the policy of developing programs which shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of minority groups, including, when there are deficiencies, the development of specific goals and timetables for the prompt achievement of full and equal employment opportunity. The Philadelphia Plan is no more or less than a means for implementation of the affirmative action obligations of Executive Order 11246.²⁵

This landmark decision validated the goals and timetables approach which became the standard operating procedure for non-construction federal contractors. Meanwhile, six plans similar to the revised Philadelphia Plan were imposed in other communities (St. Louis, San Francisco, Atlanta, Washington, D.C., Camden, and Seattle (imposed by the court); and after little success with its hometown plan, Chicago had an imposed plan). Also voluntary "hometown plans" were negotiated in seventy other areas between construction unions, contractors, and minority and/or community interests. Knowledgeable persons have disagreed over the reasons for the limited success of the efforts as means of increasing minority employment where referral unions were in control. Ray Marshall and his colleagues at the University of Texas concluded that remedies for improving minority employment in the construction industry need to take account of influence of union structure:

Limited change is likely to occur where the pressure for change is concentrated on local building trades union leaders who have strong market control reasons for resisting change and, at the same time, are very vulnerable politically and can be responsible for only part of the labor market. National agreements are more effective because

national union leaders are not as vulnerable politically, usually have better staffs to consider the implications of agreements, and are more responsive to pressures for change in unacceptable racial practices. National agreements, therefore, would be more effective than the local plans promoted by the Department of Labor.²⁶

Godwin and Green indicated that from their perspective, the most significant progress toward elimination of racial imbalance in the skilled building trades was achieved through federally financed apprenticeship outreach programs.²⁷ Home-town plans generally were not effective because they emphasized training and upgrading for journeymen rather than entry through regular apprenticeship. The outreach programs provided tutoring, counseling, and supportive services for entrants to apprenticeship training programs and to skilled jobs. In 1978 blacks were 10.3 percent of apprentices in the construction industry and 8.8 percent of the graduates from the apprenticeship programs.

The AFL-CIO, through its Human Resources Development Institute and local building trades union councils, sponsored many of the federally funded outreach programs. One of the key factors responsible for the success of the outreach program was support from the building trades union, especially the AFL-CIO Building Trades Department. Grants were made to these organizations to support their training programs. The rest of the programs were sponsored either by civil rights (Urban League) or community based organizations (Recruitment and Training Program) and were endorsed by local building trade councils.

In addition to the action against employment discrimination under Executive Order 11246, several significant legal decisions under Title VII of the Civil Rights Act of 1964 were focused on the construction industry. Three of the five cases examined by Marshall et. al., U.S. v. Sheet Metal Workers, Local 36 (St. Louis); Local 53, Heat and Frost Insulators v. Vogler (New Orleans); and U.S. v. Ironworkers, Local 86 (Seattle), were filed on behalf of minorities as a result

of dissatisfaction with progress made in entry and job referral in the construction trades.²⁸

In the first case filed by the U.S. under Title VII, Local 36 and three other unions (Local 1 of IBEW, Plumbers, Local 5, and Steamfitters, Local 562) involved in building the St. Louis "gateway arch" were charged by the U.S. Attorney General with failure to admit blacks on a nondiscriminatory basis, failure to operate their respective hiring hall referral systems in a nondiscriminatory manner, failure to inform blacks of opportunities to become members, and failure to organize employers who employed blacks.²⁹ Shortly after the Eighth Circuit Court ruled against the union in 1969, the unions and contractors in the St. Louis area formulated the St. Louis hometown plan which was replaced two years later with an imposed plan.

Local 53, Heat and Frost Insulators and Asbestos Workers v. Vogler controlled employment through an exclusive bargaining agreement with firms doing insulation and asbestos work within the greater New Orleans area. Since membership in the union was restricted to sons and close relatives and was approved by secret ballot, Vogler, a white asbestos worker, filed a Title VII complaint that he was refused employment because of his non-union status and his efforts to help a black friend attain union membership. The district court found that Local 53's nepotism policies denied blacks opportunities for employment referrals and union membership. An injunction issued against the union prohibited the use of family relationships and member endorsements and ordered that the union develop objective criteria for membership. The union was ordered to effectuate a referral system that alternated black and white prospective employees.³⁰

This 1969 injunction was later upheld by the Fifth Circuit Court. These activities provided the impetus to establish a hometown plan for New Orleans. The Fifth Circuit held "The Court must be free to deal equitably with conflicting interests of white employees in order to shape remedies that will most effectively protect and redress the rights of the Negro victims of discrimination."³¹

In 1970 a Title VII suit was filed against Local 86, Ironworkers and four other construction unions (sheet metal workers, and operating engineers who signed consent decree prior to beginning of trial) and their Joint Apprenticeship Committees in the Seattle area. A comprehensive remedy to eliminate discrimination with respect to job referral and membership was specified by the district court. The union was ordered to recruit blacks into apprenticeship programs, to make immediate referrals of blacks, and to modify its apprentice/journeyman ratios.³² The degree of desegregation of the union and improvement in the minority representation was devoted to monitoring of the decree and various supplemental decrees by District Judge Lundberg.

At the end of the 1970s another major case (Commonwealth of Penna. v. Local 542 of Operating Engineers) was being litigated. After more than fifteen years the tensions between effective affirmative action programs and collective bargaining practices and procedures had become more exacerbated. The rates of unemployment were higher in construction than other industries and in this environment of fewer jobs, a new allegation of reverse discrimination was made by many unions. Judge Higginbotham noted in the Operating Engineers case that:

The facts of the instant case. . . demonstrate the complexity and subtlety of the interrelationship of race, collective bargaining, craft unions, the employment process and that ultimate goal . . . real jobs which offer adequate hourly compensation and reasonably consistent pay checks through the year. Here there are many contradictions between pronounced policies and actual practices. Also there are some aspects of viral nepotism at its worst which had a disproportionate impact against blacks but also affected many whites. Some of the practices cannot be categorized as exclusively beneficial to all whites or as exclusively harmful to all blacks. Thus there has to be a careful weighing of the relative racial impacts of many practices and policies."³³

What is the present status of minority representation in the construction industry? After millions of dollars expended on outreach and training, implementation of executive orders and Title VII litigation, the results are not overwhelming. Blacks accounted for 8.2 percent of the referral membership in 1978 as compared with 6.8 percent in 1969. In the fall of 1980 the OFCCP issued minority hiring goals for 285 major metropolitan areas and 183 largely rural surrounding areas. From 1968 to 1980 open shop contractors tripled their share of the market (from 20% to 60% of all new construction).³⁴ It would be ironic if the efforts to increase minority participation in the unionized craft sector of the industry came to naught during the decade of the 1980s as that sector generates fewer jobs.

Seniority Issues in Industrial Unions

Like the referral craft unions in the construction industry, some of the largest industrial unions have encountered major problems when attempting to deal with equal employment issues. Industrial unions mainly regulate the internal labor markets of companies through collective bargaining procedures, while employers retain control of hiring and initial assignments. The intervention of the government has led to restructuring of the seniority provisions of collectively bargained agreements and has forced fundamental changes on the two parties to the agreement. Craft notes that since World War II seniority has become:

an integral part of the institutionalized web of rules that affect the administration of human resources in the internal labor market. Specifically seniority has come to represent an enforceable priority under a collective bargaining agreement which qualifies an employee for benefits from the employer and provides a common basis for employees to estimate their relative status in terms of job security and opportunities for advancement.³⁵

The treatment of seniority under equal employment opportunity laws is reflected in a series of major court decisions and consent decrees. During the past fifteen years the courts have sought to reconcile remedies for past discrimination against minority workers with seniority expectations of majority workers. The definition of "rightful place" remedy, the restriction of compensation to specific employees, the seniority versus affirmative action tensions of layoffs and the bona fide seniority system exemption from Title VII are discussed. The Teamsters decision in 1977 removed the seniority modification systems from the courts, however, consent decrees such as the AT&T may temporarily override seniority provisions. With the Weber decision in 1979, the union in a voluntary agreement with employers modified the seniority arrangement.

Seniority Issues

During the first twelve years of implementation of Title VII complex seniority issues arose in many southern plants over the merger of lines of progress that had previously been segregated by race, the transfer rights of incumbent blacks to departments with better job progression, and layoff and recall procedures where there was a reduction of the work force. Competitive-status seniority (time in a job, line, department) determines a worker's standing compared to others on transfer, promotion, layoff, and recall. Even in the more favorable economic environment of the late 1960s black workers were on a collision course with seniority systems that were the product of collective bargaining by some of the largest industrial unions in steel, paper, telephone, and trucking. Judge Wisdom's decision in the Fifth Circuit on Papermakers Local 189 v. United States (1969) posed the significant questions:

In this case we deal with one of the most perplexing issues troubling the courts under Title VII: how to reconcile equal employment opportunity today with seniority expectations based on yesterday's built-in racial discrimination. May an employer

continue to award formerly white jobs on the basis of seniority attained in other formerly white jobs, or must the employer consider the employee's experience in formerly Negro jobs as an equivalent measure of seniority?³⁶

Existing seniority systems did not credit time spent in black jobs, lines, or departments towards opportunities available in previously white lines, jobs, or departments. Minority workers may have been less inclined to transfer to lines with greater future earnings potential because they had to forfeit accumulated seniority as well as suffer a short-term wage reduction. Until the U. S. Supreme Court's Teamsters decision in 1977, which ruled that bona fide seniority systems were protected from the operation of Title VII, seniority systems which carried forward to the present the effects of former allegedly discriminatory practices were held to be unlawful (see discussion below). Earlier in Quarles v. Philip Morris, Inc. (1968) a district court stated: "A departmental seniority system that has its genesis in racial discrimination is not a bona fide seniority system."³⁷ Prior to the decision, blacks hired into formerly black departments before the employer ceased discriminatory hiring were not allowed to compete for future vacancies in more desirable departments on the basis of their seniority.

Quarles and the Local 189 case, in which the court abolished job seniority in favor of mill seniority for blacks hired prior to the 1966 merger of racial progression lines, set the pattern for seniority issues. Throughout this period, granting competitive-type seniority relief emphasized that innocent employees should not be penalized in order to remedy past acts of discrimination. The restructuring of seniority systems was based on the "rightful place" remedy.³⁸ Later, courts attempted to give special rights to "specifically harmed" individuals who were adversely affected by past discriminatory hiring or assignment. They would obtain their new position (rightful place) on seniority rosters, but not at the

expense of other employees. Unions argued that the initial hiring and assignment to racial job slots had been intentional discriminatory acts by employers.³⁹

However, the severe recession of 1974-1975 when the focus shifted from transfer and promotion via seniority systems to layoff and recall produced the greatest conflict between anti-discrimination agreements and collective bargaining agreements. The Jersey Central Power and Light Co. v. IBEW Local 327 highlighted the tensions between these programs on seniority issues. Unions and civil rights groups who had formerly worked as members of a coalition seeking the passage of Title VII now appeared in court as adversaries. The issue was whether minority workers should maintain the same proportion in a reduced workforce as they held prior to a layoff. If the Last In, First Out (LIFO) procedures were followed, such workers would bear a disproportionate share of the burden of layoff. In the Jersey Central case the Third Circuit court reversed the lower court and held that a seniority clause providing for layoffs by reverse order was not subject to modification by court decree.⁴⁰

The economic recession forced employers in the public sector as well as private employers to reduce the workforce. Violent confrontations erupted between minority workers and unions representing policemen and firemen when budgetary constraints forced a cutback in many municipal services. After 1972, state and local government employees were included under Title VII. In 1975 the Guardian Association and the Hispanic Society, organizations of black and Hispanic police officers of New York City, filed a Title VII suit alleging discrimination due to their disproportionate share of layoffs within the police department. They claimed that the hiring examinations and minimum height requirements in effect prior to 1973 barred the entry of many minorities into the police force, and effectively prevented those who were hired from accumulating enough seniority to withstand layoffs under the LIFO system. The district court granted a preliminary injunction barring New York City from hiring or recalling any of the nearly 3,000 police

officers discharged until seniority lists were revised to eliminate the effects of past discrimination against minorities. At the present time there are still outstanding issues to be resolved in this case, Guardians Association of New York City Police Department v. Civil Service Commission of New York.⁴¹

The U. S. Supreme Court reversed lower court rulings in International Brotherhood of Teamsters v. U. S. (1977) and concluded that bona fide seniority systems which tend to perpetuate the effects of pre-Act discrimination were protected under Section 703(h) of Title VII. However, individuals are not barred from relief, including retroactive seniority, because of employer's post-Act hiring discrimination. In the Teamsters case local city drivers (mainly minority employees) of a nation-wide common carrier of motor freight had to forfeit their accumulated competitive seniority if they wanted to transfer to more desirable jobs as over-the-road long distance drivers. The line driver positions were held mainly by white employees. Because minority employees had been denied the opportunity to become line drivers when they were initially hired, the lower courts had found that the seniority system in the collective bargaining contracts which did not allow carry-over of seniority from the bargaining unit for city drivers violated Title VII as it forced the transferees to start at the bottom of the line. The seniority systems operated to carry the effects of past discrimination into the present.

The Supreme Court, in reversing the lower courts, noted in awarding retroactive seniority to minority employees that the seniority systems did not have its genesis in racial discrimination and that it was negotiated and had been maintained free of any illegal purpose. In fact, the placing of line drivers in a separate bargaining unit from other employees was rational and in accord with industry practice and consistent with NLRB precedents. The union's role of agreeing to and maintaining a seniority system that perpetuated pre-Act discrimination did not violate Title VII.⁴²

How best to evaluate whether seniority systems are bona fide in accordance with the Teamsters doctrine was set forth in a later Second Circuit case, James v. Stockham Valves and Fitting Co. (1977). The criteria were: (1) whether the seniority system operates to discourage all employees equally from transferring between seniority units; (2) whether the seniority units are in the same or separate bargaining units (if the latter, whether that structure is rational and in conformance with industry practice); (3) whether the seniority system had its genesis in racial discrimination; and (4) whether the system was negotiated and has been maintained free from any illegal purpose. The United Steelworkers of America and Local 3036 (Birmingham, Alabama) were defendants in the Stockham Valves case, and it seems ironic that a majority of the local's grievance committee were black. Since 1970 the seniority system had been twice modified, through the collective bargaining process and through the union's having struck for five months/^{seeking} the company's agreement on plant-wide seniority. Is the union liable for its ratification of a collective bargaining contract containing a seniority system which minority members wish to revise? Clearly, both parties to the collective bargaining process must be willing to modify and update a seniority system that was created under segregated procedures of the 1940s.⁴³

Two other significant promotional seniority issues were raised by industrial unions in the late 1970s. Three telephone unions, the Communication Workers of America, the International Brotherhood of Electrical Workers, and the Alliance of Independent Telephone Unions challenged the 1973 A. T. & T. consent decree. The Telephone unions had not participated in the 1973 negotiated settlement which stipulated that over a six year period the A.T. & T. telephone operating companies would attempt to restructure their internal labor markets to meet specific goals for the better utilization of women and minorities. The technique of the affirmative action override of contractual seniority provisions was authorized where intermediate targets were not met in non-management jobs. These unions, representing

about 710,000 non-management workers, with the Communication Workers of America representing about 600,000 employees, intervened to protect its collective bargaining agreement. The Supreme Court on July 3, 1978, let stand the decision of the lower courts that seniority systems may be modified in order to meet the target requirements of a consent decree, and that the use of the seniority override, as a remedial measure to correct under-utilization of women and minorities in non-traditional jobs, is lawful. The override permits members of target groups to "leap frog" incumbents with greater seniority and/or better qualifications. The override does not affect seniority with respect to layoff and recall of employees.⁴⁴

For nearly fifteen years, management, United Steelworkers, and black workers in the basic steel industry wrangled over the issue of the incumbent black employee who wished to transfer from previously segregated seniority lines to better paying jobs in other departments. Prior to the civil rights era, the duty of fair representation doctrine under the National Labor Relations Act dealt with discriminatory seniority arrangement in the steel industry. In Whitfield v. United Steel Workers (1959) segregated seniority lines were abolished but black employees could enter the previously all white lines only at the bottom, and they forfeited previously acquired seniority rights in the black line. In 1967 under the antidiscrimination law, the OFCC found a number of discriminatory practices at Sparrows Point facility of Bethlehem Steel. The issue was not resolved until 1973 with an order that permitted black workers to transfer with rate retention (so that wage cuts were not required) and to carry forward seniority credits. Meanwhile numerous complaints were filed against the union and employers by black workers who were extremely dissatisfied with the seniority arrangements (U.S. v. Bethlehem Steel, Lackawanna Plant, U.S. v. United States Steel, Fairfield Plant, U.S. v. H. K. Porter). The rule of preference for job openings in departments and units within those departments being retained for those already in these work areas started to be modified with the circuit appeals decision of the Lackawanna case in 1971.⁴⁵

The trend in the modification of seniority arrangements by judges induced the union to negotiate an industry-wide solution with nine basic steel companies and representatives of the federal government. The Steel Consent Decree was signed in April, 1974. Under this agreement, plant-wide seniority would be used for promotion, transfer, layoff and recall but the lines of progression within departments would not be altered. Since vacancies within a department would still be filled from below, transferees could enter only at the bottom. The rate retention option was available to encourage some employees' transfers. The consent decree was upheld in U.S. v. Allegheny-Ludlum Industries (1975).⁴⁶

The Steel Consent Decree had an effect on the collective bargaining process and equal employment which reached far beyond the basic steel industry. The terms of the consent decree were included in the Master Agreement of the Steel Industry in 1974. The United Steelworkers Union represents the aluminum industry as well, and an identical provision of affirmative action for skilled craft jobs was included in the 1974 Master Agreement between the United Steelworkers Union and aluminum producers. Under the aegis of a joint company-union committee, goals were to be established for reducing racial imbalances in skilled jobs. Fifty percent of the slots in the on-job training program for craft workers was reserved for minority and/or female employees. A dual seniority roster based on plant seniority was created to fill the training vacancies.

Brian Weber, a white employee at the Gramercy plant of Kaiser Aluminum challenged these agreements (Kaiser Aluminum and Chemical Corporation v. Brian F. Weber et al) under Title VII of the Civil Rights Act of 1964. The Steelworkers Union opposed Weber, and the Supreme Court (June 1979) reversed the decisions of the lower courts that provisions of the Kaiser affirmative action program violated proscriptions of Title VII against preferential treatment. The Weber decision is seen to be a victory for collective bargaining as a means of accommodating diverse interests in the workplace. Weber emphasized that voluntary compliance is

preferable to court action, and that private settlement without litigation is central to Title VII.⁴⁷

A keen observer of the evaluation of EEO seniority law, James Jones, has noted that:

The critical role of seniority in determining who should work and its priority position in trade union ideology insured that efforts would be made by its supporters to immunize it from the emerging EEO law and the attempts of civil rights advocates to curb its effect. It is no wonder that the AFL-CIO's legislative support of the Civil Rights Act of 1964 included efforts to insure that previous seniority rights would not be adversely affected by the new civil rights. That the trade union objectives in this regard were less than clearly successful is attested to by two factors: (1) the ambiguity of sections 703(h) and (j) of the Civil Rights Act of 1964, and (2) extensive litigation of seniority issues over the past 12 years.⁴⁸

The dual aspects of competitive seniority, the promotion and transfer as separate from layoff and recall issues, will probably experience quite different outcomes in the future. During the first years of implementation of the anti-discrimination laws, the problem of the "incumbent black" and past discrimination produced much of the controversy. Today these "incumbent blacks" are older workers who may prefer the security of remaining in their old departments where they have accumulated seniority. Younger blacks are entering integrated lines along with their white counterparts. Thus, with the retirement of the older black workforce, the issues of promotion and transfer will fade away. Layoff and recall will generate controversy as long as the economic climate is not very healthy. Those same younger black workers who may benefit from the new rules of the seniority game in terms of promotion and transfer may be prime candidates for

layoff under LIFO rules. As fairly new entrants to many types of jobs, they may not have acquired enough plant seniority to protect their survival. Unions have been major actors in the evolution of the seniority policies. They have been forceful advocates of maintaining the seniority principles that are imbedded in the American industrial relations system.

Arbitration

Since the Steelworkers Trilogy cases⁴⁹, arbitration was declared to be the preferred means of industrial dispute settlement. The arbitral decision was final and binding on the parties, and the court could not review the merits of an arbitration award. George Hildebrand sees the emergence of multiple avenues of relief for adjudication of claims based on individual rights in the workplace as adverse to the traditional collective bargaining process. In his view, the exclusivity and finality of voluntary arbitration have been weakened. He notes that:

In the earlier history of collective bargaining the dominant view was that the contracting parties were the employer and the union. The employee in the bargaining unit stood in the position of third-party beneficiary of the agreement. The union bargained to gain employee rights, and it also protected its employees in the breach or observance of these rights. At the apex of the relationship were the grievance procedure and arbitration, with arbitration as the terminal step in which decision by a neutral, after a proceeding between the parties in which the union represented the grievant, brought the issue to a final determination.⁵⁰

The Supreme Court attempted to define the proper relationship of the grievance-arbitration machinery of collective bargaining to equal employment opportunity

under Title VII. In the Alexander v. Gardner-Denver Company, (1974) case it held that an adverse decision in arbitration would not prohibit subsequent Title VII litigation and that employees are not required to exhaust their arbitration remedy before pursuing a claim of employment discrimination in court. In its famous footnote 21, the Court indicated that in some cases arbitral findings of fact may be accorded great weight if certain specified conditions have been met: (1) existence of provisions in the collective bargaining agreement that conform substantially with Title VII; (2) the degree of procedural fairness in the arbitral forum; (3) adequacy of the record with respect to the issue of discrimination, and (4) the special competence of particular arbitrators.

Nevertheless, Justice Powell of the Supreme Court was forceful in stating that "The rights conferred by Title VII can form no part of the collective bargaining process since waiver of these rights would defeat the paramount congressional purpose behind Title VII."⁵¹ Thus, the Supreme Court did not adopt the deferral to arbitration rules that usually prevails under the National Labor Relations Act. In resolving employment discrimination grievance disputes, the Court relied on a judicial forum rather than arbitration. An employee's right to trial de novo under Title VII could not be foreclosed by prior submission to arbitration under a collective bargaining agreement.

After the Alexander v. Gardner-Denver decision, a number of experts suggested ways in which arbitration might serve as a viable alternative in equal employment disputes. Professor Harry T. Edwards (now a Federal judge in the District of Columbia Circuit Court) proposed a two track arbitration system that would accommodate and reconcile the conflicting interests of the parties:

Employers and unions want the speedy and inexpensive resolution of disputes that arbitration has traditionally supplied. Employers wish to avoid being subjected to litigation in several forums on

the same claim, whereas unions want to ensure that they comply with their duty of fair representation. Employees who have been subjected to employment discrimination desire full relief.⁵²

Edwards suggests that his proposal be limited to those cases in which the grievance alleges an act that might be considered a violation of both the collective bargaining agreement and of Title VII. It would specifically exclude from arbitration all grievances (1) alleging only a breach of law; (2) charging both the union and the employer with discrimination; (3) seeking a reformation of the contract; (4) claiming inconsistency between the collective bargaining agreement and a court or administrative order; (5) constituting a class action or (6) involving unsettled areas of the law.⁵³ These screening criteria would limit the substantive jurisdiction of the arbitrator in a way designed to minimize or eliminate the necessity of court review. This special procedure for employment discrimination cases would be handled by a panel of lawyer-arbitrators with expertise in Title VII law.

Gould, law professor and arbitrator, has noted that "an exclusion of employment discrimination cases from the grievance arbitration machinery and their relegation to the courts would have a deleterious impact inasmuch as it would segregate the claims of racial minorities and women from the mainstream of plant level adjudication."⁵⁴ Some unions have adopted anti-discrimination programs that include arbitration of discrimination grievances, as in the UAW and General Motors Contract.

The W.R. Grace and Company v. Local 759, International Union of the United Rubber, Cork, Linoleum and Plastic Workers of America, decided in the district court of the Northern District of Mississippi in July, 1980, reflects the confusion that still surrounds seniority, conciliation, and arbitration in the employment discrimination context. In 1974 the employer had entered an EEOC conciliation agreement that conflicted with the seniority provisions of its collective bargaining

contract. These seniority provisions were superseded by a system to determine layoffs so that the percentage of women employed by the company would never be reduced by a layoff. The union objected to the change, and the company refused to arbitrate. By 1975 the court ordered the conciliation agreement binding on both company and union. By the time the union's appeal reached the Fifth Circuit, the Teamsters case (1977) had changed the seniority law. One arbitrator ruled in 1978 that W. R. Grace was acting in concurrence with the District Court's order and did not have to prosecute grievances which occurred during the appeal proceedings. A second arbitrator reversed this ruling because the first arbitrator "had exceeded the scope of his jurisdiction, going outside of the plain, written terms of the contract between the union and the company."⁵⁵ The district judge vacated the arbitration award of the second arbitrator because the collective bargaining contract also provided that if any provision of the agreement was found to be in conflict with any state or federal law, such law would supersede the conflicting provisions. During the time of the appeal and before the reversal based on the Teamsters decision, the conciliation agreements had the effect of nullifying the seniority provisions in the collective bargaining contract.⁵⁶

Finally, the issue of arbitration has become moot as far as the EEOC is concerned. In 1977 the Commission established a Rapid Charge Procedure (RCP) in order to reduce the backlog of Title VII complaints and also to expedite the process. The RCP was essentially a face-to-face fact finding conference for the settlement of individual claims. It has swiftly resolved many claims where the facts are at issue.⁵⁷ It is likely that most of these charges originate in the non-unionized sector. Whether the arbitral forum will be considered a viable way to resolve discrimination disputes will depend to some extent on how minorities perceive the outcomes from such action. One observer has noted that all is not lost, some employment discrimination cases may now be processed under the grievance-arbitration procedure when they originate as just cause, discipline, or seniority claims.⁵⁸

Conclusion

Equal employment opportunity requirements (including laws, executive orders, administrative regulations, affirmative action plans, consent decrees, and judicial decisions) have altered some important rules of the workplace. We have examined three areas--referral and training programs of craft unions, seniority systems, and arbitration--where the anti-discrimination efforts have been in conflict with collective bargaining agreements. Our analysis indicates that adjustment has been painful for all parties: (1) employees who differ by race, sex, skill level and expectations; (2) unions attempting to restructure in order to survive; and (3) employers who may have had to modify their management strategies in order to avoid being adversely affected. The role of unions has not been an easy one.

Perhaps the most positive stance of some unions on their commitment to full participation of women and minorities has yet to be researched. We do not know how many unions have supported their minority and women members through lengthy litigation on EEO matters. For example, the Newspaper Guild of New York financially supported both the women and minority employees of The New York Times in a seven year legal battle.⁵⁹ When the consent decree was signed for the minority employees, Judge Metzger ordered the attorneys' fees for the plaintiffs doubled from \$250,000, stating that the original amount was "extremely modest in light of the complexity of proof."⁶⁰

OCCUPATIONAL SAFETY AND HEALTH

This second major social issue besides EEO to confront collective bargaining in the 1960's was also heralded by federal legislation: the Coal Mine Health and Safety Act of 1969 and the Occupational Safety and Health Act of 1970 (OSHAct). These laws, according to Ashford, resulted from an increased injury rate (up 29% in the decade), the discovery of new occupational diseases (coal miners' black lung and cancers caused by asbestos and vinyl chloride), rapid technological change especially in chemical processing, the environmental movement's concern over toxins and pollution in general, and a better-educated, more affluent workforce.⁶¹

The Scope of the Problem

Whatever the cause of recent legislation, safety and health pose a major problem in the workplace. Accidents killed 13,100 people at work in 1980, according to the National Safety Council (NSC).⁶² Workers also die from diseases caused by working conditions. The then Department of Health, Education, and Welfare estimated as many as 100,000 deaths each year from such occupational diseases.⁶³ While the magnitude of such disease-related deaths due to cancer, respiratory, and heart disease is in dispute, there is little disagreement about the growing problem of occupational disease.⁶⁴

In addition to deaths, the NSC estimated 2.2 million disabling accidents in 1979 at a cost to the economy of \$23 billion.⁶⁵

Subjective reports by workers confirm the magnitude of the problem. Forty-six percent of all blue collar workers in the 1977 Quality of Employment Survey reported unpleasant working conditions; 40% of all workers are exposed to air pollution at work, 29% to dangerous equipment and 29% to dangerous chemicals.⁶⁶ Fifteen percent reported an injury or illness made more severe by

conditions at work. Seventy-six percent of all workers surveyed felt workers should have "complete" or "a lot of" say over safety equipment and practices as opposed to 30% desiring such influence over wages and salaries.

Despite their importance, safety and health issues have been slow in calling forth significant legislative or bargaining activity.

History of Regulation

Early industrialization in the U.S. left safety and health to the play of market mechanisms. Workers either accepted the risk of hazards or quit. Employers could be sued for negligence, but common law defenses of contributory negligence limited employer exposure.⁶⁷ After the turn of the century, President Theodore Roosevelt urged the states to pass workingmen's compensation laws. In return for guaranteed (and limited) payments for injuries from an employer fund, workers gave up their right to sue under these laws. Finally in 1970, the federal government shifted the emphasis from compensation after the fact, to prevention.

The OSHAct, as it will be abbreviated, imposed a general duty on employers to provide a "place of employment...free from recognized hazards...causing death or physical harm."⁶⁸ The National Institute of Occupational Safety and Health was set up in H. E. W. to do research on hazards; the Occupational Safety and Health Administration to issue and enforce standards; and an Occupational Safety and Health Review Commission to monitor enforcement. Each worker in the U.S. was granted certain rights, namely to: (1) complain about violations of specific standards of the employer's general duty; (2) retain anonymity; (3) have a representative accompany the government official on any subsequent inspection; and (4) be protected against reprisals.

Implementation of this fundamental shift in employment relations has sparked controversy. According to the AFL-CIO, the Nixon administration provided lax enforcement, appointed a weak staff, and used the Agency for political

fund raising.⁶⁹ Only under Labor Secretary Ray Marshall, according to AFL-CIO President Lane Kirkland, "have our unions been able to work with a Labor Department which believes in OSHA and is doing its best to make it work."⁷⁰ On the other hand, according to management representatives, the law from the beginning has meant petty harassment, costly wasted investment, and distraction from effective safety and health programs.⁷¹

Secretary Marshall initiated several reforms to meet management criticism: dropping some 1,000 standards, targeting inspections on high-hazard industries, and emphasizing consultation with employers. Nonetheless, Congress found such reforms insufficient and exempted small businesses in low injury industries from most inspections.⁷² The Reagan administration brings to OSHA a general determination to "get the government off the backs of industry."

Given the different interests of the two parties, no objective assessment of the OSHA Act is possible. While the Supreme Court ruled that the economic cost of one specific standard for exposure to benzene was too great,⁷³ the labor movement cites an overall decrease of 10% in fatalities and 15% in injuries due to the Act.⁷⁴ Academic evaluations of a single standard have ranged from net negative to net positive and reflect the assumptions of the authors.⁷⁵

Against this larger societal debate, the question addressed here is how collective bargaining responded on safety and health.

Collective Bargaining Activities

Contract Negotiations. Although no empirical evidence exists, it is our experience that union and management representatives spend relatively little time in negotiations discussing safety and health and rarely, if ever, do negotiations go to impasse solely or primarily over these issues. A rare example is, according to Ashford, the 1973 negotiations between the Oil, Chemical, and Atomic Workers and Shell Oil, which resulted in a work stoppage in part over safety.⁷⁶

Local walkouts are undoubtedly more frequent in some unions such as the United Mine Workers or in extreme conditions such as the highly publicized sterilization of seven workers in the production of DBCP.⁷⁷

Kochan has assembled reports from several sources to describe the results of these negotiations in actual contract language (Table 1).⁷⁸ Most contracts have some provision dealing with safety and health, and the frequency of such provisions has increased since the passage of the OSHA Act.⁷⁹ Also such provisions are concentrated in manufacturing and in specific industries such as mining where the hazards are greatest. However, the rights and benefits conferred on workers are relatively limited, most generally taking the form of a general statement of responsibility. Less frequently do contracts guarantee the workers' right to refuse hazardous work. Rarely do they impose more stringent standards for exposure than does the law.

The Right to Refuse Hazardous Work. Under the National Labor Relations Act workers in the U. S. have a general right to strike as a "protected concerted activity."⁸⁰ A union can strike to win contract provisions on safety and health. However, based on the Supreme Court's Gateway Coal decision, if a contract provides for the arbitration of grievances, safety and health complaints must be brought to that forum⁸¹ and strikes are prohibited.

There are two exceptions to this prohibition on work stoppages during the contract. Paragraph 502 of the National Labor Relations Act defines the quitting of labor in good faith because of abnormally dangerous conditions not to be a strike. In Redwing Carriers, the NLRB interpreted this exception narrowly.⁸² The conditions must be unusually dangerous (even in a usually dangerous job)

TABLE 1
 Collective Bargaining Provisions
 On Safety and Health

	Percent in all contracts	Percent in mfg. industry contracts	Percent in mining industry contracts
Some provision on safety	82	87	100
General statement of responsibility	50	58	75
Company to comply with laws	29	29	50
Company to provide safety equipment	42	46	92
Company to provide first aid	21	26	50
Physical examinations	30	30	75
Hazardous work provisions	22	19	67
Accident investigations	18	24	58
Safety committees	43	55	92
Dissemination of safety information to employees	16	18	38
Dissemination of safety issues to union	19	21	44
Employees to comply with safety rules	47	50	67
Right of inspection by union or employees safety committees	20	30	56
Wage differentials for hazardous work	15	6	6

Sources: First nine items, "Safety and Health Patterns in Union Contracts," Daily Labor Report #178, September 13, 1978, p. E-1; Last five items, "Major Collective Bargaining Agreements: Safety and Health Provisions", BLS Bulletin #1425-16 (Washington, D.C., 1976). Reproduced from Thomas A. Kochan, Collective Bargaining and Industrial Relations, Richard D. Irwin, Inc., Homewood, Illinois, 1980.

and supported by objective evidence (not beliefs). In 1980, the Supreme Court added a second exception when it upheld a controversial regulation from the Secretary of Labor in its Whirlpool decision.⁸³ If a worker reasonably believes a threat of death or serious bodily harm exists, and if there is no time to call for a government inspection, and if the employer has been notified and refuses to change the condition, then the worker may refuse to work.

The legal implication of this tangled web is paradoxical. Non-union workers have the full protection of the NLRA to protect a work stoppage over any threat to safety and health, even if only subjectively perceived. Union workers covered by an arbitration clause have the right to quit work over safety and health only under the two exceptional conditions mentioned. Of course, the union workers have the more general political and economic protection of the union as well.

Arbitration. Grievances over safety and health are relatively rare.⁸⁴ Nonetheless, they form an exception to the general arbitral principle that the union member should "follow orders first and grieve later." How much protection arbitration provides depends on the language of the contract and the beliefs of the arbitrator. Generally, arbitrators have not held the subjective belief of the worker to be an adequate justification for refusing work.⁸⁵ Where a contract specifies such subjective fear as adequate, then arbitrators have ruled more frequently in favor of the grievant.⁸⁶ A serious problem with arbitration of safety and health disputes was highlighted by a review of published cases. The median time from discipline action for refusing hazardous work until the arbitrator's decision was over six months.⁸⁷ Such delays, all too typical of arbitration, leave the discipline or discharge in place pending resolution with a chilling effect on other potential complaints.

Labor-Management Committees. As indicated in Table 1, forty-three percent of the major contracts provide for a joint committee on safety and/or health,

again more frequently in manufacturing and high-hazard industries, and again more frequently since the passage of the OSHA Act.⁸⁸ However, some committees, for example in the mining industry, long pre-date the 1970 Act. The typical committee is composed of 50% union and 50% management, meets monthly, and has advisory power. The committee can inspect accidents, tour the facilities, and make recommendations to management. To bind management to action, however, the union has to resort to a grievance, a work stoppage, or calling for a government inspection.

The effectiveness of such committees is a matter of debate and some skepticism.⁸⁹ Kochan, Dyer, and Lipsky, in a survey of International Association of Machinists locals in upstate New York, found that only a half of the joint committees had met as often as once a month; they also found wide variation in levels of committee activity.⁹⁰ Those committees which were active and involved in problem-solving behavior were associated with a lower issuance of citations following an OSHA inspection, thus indicating greater enforcement between inspections. High levels of committee continuity and activity were found where OSHA pressure was perceived as strong, where the local union was perceived to be vigorous, where rank and file involvement was substantial, and where management approached safety issues in a problem-solving manner. The researchers also emphasized the importance of separating the committee from other bargaining activity.

Innovative Joint Efforts

A similar pattern of forces for success emerges when overall joint programs are examined in detail. For example, in 1973 United Auto Workers and General Motors agreed on one full-time union health and safety representative in each plant.⁹¹ Picked by the International, the representative is trained and paid by the Company. The jointly acknowledged success of the program depends in large part on the ability of the representatives to work effectively with management counterparts.

Likewise, the contract between the United Rubber Workers and B. F. Goodrich also calls for a full-time safety and health representative for the Union in each plant, paid for by the Company.⁹² Plant-level, union-management committees also meet monthly, tour the plant, and identify hazards for high-priority correction by the Company maintenance department. What is unique in this relationship is an independent study of safety and health in the Company's working environment funded with a contribution of 1¢ an hour and conducted by the Harvard School of Public Health.

In addition to strong local unions, a committed management and specialized staff, the existence of problem-solving forums appears helpful. For example, the Joint Labor-Management Committee of the Retail Food Industry worked together on a safety problem.⁹³ One of the consensus standards for the retail food industry required meatcutters to wear protective mesh gloves when cutting meat. If the meatcutter is using a knife, the glove protects fingers from amputation. However, if the same meatcutter is using a power saw, he or she is liable to lose an arm, because the mesh glove catches in the saw where a piece of flesh would not.

The industry-wide, general-purpose committee recognized this shortcoming, undertook a national survey of local experience and obtained a clarification of the standard from OSHA (not a change which would have triggered an elaborate rule-making process).

Innovations by the Labor Movement

Education. A major problem facing the unions is the lack of skilled people in health and safety. In 1975, Ralph Nader's Health Research Group found only a handful of union experts.⁹⁴ Even today, one high-level union official estimates only sixty-five safety and health professionals are working for unions, and these include only forty industrial hygienists. The New Directions program of the Occupational Safety and Health Administration is supporting, in

one way or another, practically every safety and health professional now working for the labor movement.⁹⁵ Both the Oil, Chemical, and Atomic Workers and the United Steelworkers, among other international unions, are seeking to identify hazards in local workplaces around the country and to educate members on hazard recognition. Likewise, the Building and Trades Department of the AFL-CIO has established a national safety and health resources center in Washington and is organizing sixteen regional centers for intensive training in high-hazard construction. The Labor Department has also made grants to university-based labor education programs to develop training on safety and health.

Coalitions for Occupational Safety and Health (COSH'S). In 1972, activists in the Chicago area came together to form a local coalition for occupational safety and health, the first of what are now about a dozen across the nation. Typical of such efforts, the Massachusetts COSH is funded by dues from unions and individuals and a grant from the New Directions program of OSHA.⁹⁶ Massachusetts' COSH provides education, training and technical assistance to unions and workers including, in 1979, answers to over 300 telephone requests for information, typically questioning the impact of some chemical on humans.

Management Programs

The primary legal and practical responsibility for occupational health and safety rests with management. Not only is management the classic initiator of action in industrial relations; but action on occupations diseases, in particular, requires such information as types of substances used in production, potential health hazards, and worker health records.

The elements of a successful management program all emphasize commitment: top level support, assignment of a specialized representative, delegation of significant decision-making power to that representative, formulation of

written procedures, training for managers and first-level supervisors, and inclusion of safety and health in formal performance evaluations.⁹⁷ In addition, management must train individual workers in hazard and accident prevention. Unless individual workers have the knowledge and motivation to avoid hazards, then efforts to provide safe and healthy working conditions are limited. It is a truism in accident prevention that both the environment and the worker are potential causes.

Lack of management commitment to safety and health poses a potential problem, given the relatively limited collective bargaining and union initiatives described above. The petrochemical industry provides the most discouraging example. Epstein virtually accused the industry of criminal conspiracy and neglect in concealing health hazards from its workers.⁹⁸ Yet, even today, informed observers of the industry cite no management programs to identify worker risks, such as a review of company medical records for clusters or patterns of disease.

In the U.S. industrial relations system, significant improvement in safety and health will depend largely on management action. Nonetheless, within that context, it is possible to offer an assessment of collective bargaining's contribution to that end.

Assessment of Collective Bargaining and Occupational Safety and Health

No direct comparisons have as yet been made between union and non-union organizations in safety and health performance. According to Kochan, union members report more serious problems with hazards on their jobs, but no significant differences in injuries.⁹⁹ He also cites suggestive evidence that union workers receive higher compensating wage differentials for hazardous work. Subjectively, union members report reasonable levels of satisfaction with their union's efforts on safety and health.¹⁰⁰ They are less satisfied with safety and health performance of the union than with traditional bread-and-butter

issues, but more satisfied than with non-traditional quality of work issues such as providing "interesting jobs".

Some high-level union officials say that future success lies not in collective bargaining, but in stricter legislation and grassroots education of workers regarding hazards. Indeed, when asked in the Quality of Employment Survey "To whom do you report health and safety hazards?," only one union member in twenty cited a union representative.¹⁰¹ Likewise, unorganized workers in the same survey did not see collective bargaining as a way to improve safety and health at work. Only 1% of non-union workers who would vote for a union if given the opportunity gave improved safety and health as a reason for their vote.

Despite the objective magnitude of the safety and health problem at work and the strong desire of workers for influence over its resolution, safety and health takes a distinct second place to traditional economic concerns such as wages, fringe benefits, and job security in both collective bargaining activity and impact. Safety and health are middle range issues in collective bargaining.

The reasons for this subordination are many and inter-related.¹⁰²

1. The problem is ambiguous. Even the number of deaths is uncertain and the causes of occupational disease are difficult to disentangle. It may be that bargaining is ill-suited to deal with such an amorphous issue.¹⁰³

2. Bargainers have other priorities. Since the OSHAct, stagflation has highlighted wage increases and job security.¹⁰⁴

3. The median voter is often assumed to determine priorities in an elected leadership, and most safety and health problems only affect a minority.¹⁰⁵

4. Unions fear liability for negligence damages if they take responsibility for safety and health. In *Helton vs. Hake* (1978), the Missouri Court of Appeals held an Ironworkers local liable for \$150,000 for a steward's

failure to enforce a contractual safety rule.¹⁰⁶ That particular contract had unusual language absolving the employer from responsibility for the rule in question. Based on other cases, unions appear to have no liability in the safety and health area beyond the usual duty to fair representation.¹⁰⁷ However, the possibility raised by the Helton case has led some national unions to instruct their locals to avoid any safety and health language.

5. Negotiators, especially on the union side, lack access to relevant expertise and information.

6. Much of the labor movement's activity has taken place at the central level, testifying at OSHA hearings and challenging standards in the courts, while bargaining is decentralized.

7. The federal government has preempted union action by setting standards and providing an alternative complaint mechanism to the union hierarchy.

8. The Administrative Procedures Act of 1946 encourages an adversarial rather than a cooperative approach to solving safety and health problems.¹⁰⁸ Both usually labor and management/present the most extreme possible arguments about each almost hazard and/never have a forum to explore creative solutions and compromises.

9. Because of the costs involved, aggravated by this adversarial process, management has resisted most of the legislative and bargaining initiatives on safety and health.¹⁰⁹

10. Collective bargaining, according to Ashford,¹¹⁰ could have allowed union and management jointly to develop specific solutions to particular industry and local conditions. However, based on our review of negotiations, contracts, arbitration and committees, most parties have not felt sufficient pressure on safety and effective health to develop/mechanisms to solve these problems.

THE QUALITY OF WORK LIFE

The third major social issue to confront collective bargaining in the period was the popular conception that U. S. workers had grown increasingly bored and alienated by simple, routine jobs. The general term, the Quality of Work Life (QWL), has come to mean any process of increased worker participation in decision making to counter such feelings. The participation may be based either on the individual or the work group, and focuses on job-centered issues ranging from more interesting or responsible job content, to scheduling and setup, on up to traditional issues for collective bargaining, such as the development of payment systems. In Europe, the term implies much greater worker control, often the result of national legislation, culminating in worker representation on the boards of directors. Unlike the other two issues discussed in this chapter, no federal legislation dealt with QWL in the U. S. and the American experience has followed a tradition of job-conscious unionism with a job-centered worker participation in decision making.

Alienation, Militancy and the Desire for Participation

In other countries, most notably France and Italy, the world-wide social disturbances of the 1960s struck the world of work directly. Over the last decade the result has been a marked increase in shop-floor unionism throughout Europe to supplement the tradition of centralized unions, centralized bargaining, and political activity.

Although no parallel upheaval shook U. S. industrial relations, for a short time in the early Seventies government and the media reacted as if the revolution was imminent. The Department of Health, Education, and Welfare released its famous report, Work in America, which advanced the thesis of debilitating and widespread alienation.¹¹¹ Rank-and-file rejection of contract proposals increased during the late Sixties to wide fanfare, and a local wildcat strike at the General Motors assembly plant in Lordstown, Ohio, was widely interpreted by the media to demon-

strate increased worker militancy.

With the benefit of hindsight, the crisis was shown to be greatly exaggerated. Major national surveys showed no decline in job satisfaction through the early Seventies.¹¹² Satisfaction with specific facets of the job (pay, supervision, etc.) did decrease between 1973 and 1977, after the crisis¹¹³, but overall measures of satisfaction remained high and unchanged from the earliest available surveys.¹¹⁴ Disruptive worker behavior--strikes, absences, turnover--seem to have reflected underlying economic conditions such as the boom in the late Sixties, rather than a fundamental shift in militancy.¹¹⁵

The desire for participation is less well-documented, but again falls far short of crisis proportions. The 1977 Q.E.S. survey showed U. S. workers wanting much more say over safety and health than over how the work is done.¹¹⁶ In the same survey, union members gave low priority to increasing the worker's say over the job, or providing more interesting work.

Government Reaction

The federal government initiated action that might well have culminated in major legislation over QWL, but the economic troubles beginning with the 1973 oil embargo both diverted national attention and demonstrated the limited nature of the crisis. In 1972, the Senate held well-publicized hearings on worker alienation.¹¹⁷ In 1975, the National Center for Productivity and Quality of Working Life was established by Congress,¹¹⁸ but allowed to lapse three years later. The Congress did authorize the Federal Mediation and Conciliation Service in 1978 to encourage labor-management cooperation, but another two years passed before any funds were appropriated.¹¹⁹

Management Reaction

By contrast to the brief and abortive governmental program to improve the quality of work life, the U. S. management community during the early Seventies intensified and has since sustained an interest in "employee participation" programs,

as they are often called, which began in the 1950s. These programs included:

1. Job enrichment. New job descriptions allowed workers to exercise more responsibility on individual tasks, e.g. completing a subassembly or a service. ATT was best known for such programs, but many others, including IBM, did likewise. The technique appeared most often in batch manufacturing and manual assembly.
2. Semi-autonomous work groups. Team production with greatly reduced supervision originated in process industries like oil refining, but General Motors has adopted it for manufacturing in its new Southern plants.
3. Problem-solving groups. These department meetings to discuss production problems characterize Japanese quality circles and Scanlon Plan committees. Assembly-line operations have utilized these groups where the technology limits fundamental shifts in job design.
4. New plant design. Increasingly managers are avoiding the constraints of technology by designing new facilities from the ground up to facilitate group production and meetings.

It has been estimated that one third of the companies in the Fortune 500 have such participation programs underway. Enough companies have designed participative new plants that a formal network of such plant managers meets regularly.

The current era of participative management represents the latest evolution in management strategy to motivate and direct the workforce. At the turn of the twentieth century, Taylor's "scientific" management replaced the "laissez-faire" of early industrialization with job descriptions, production standards, and individual incentive payments. The rise of industrial unionism in the Thirties limited management's unilateral control over production. As management developed after World War II as a profession/complete with graduate schools and associations, the emerging behavioral sciences contributed two new techniques for the management of people at work. First, the importance of human relations skills for supervisors had been highlighted by the Hawthorne studies. Second, participation in decision-making

was identified not as a concession to worker demands, but as a leadership technique to increase motivation and commitment to decisions.

The resulting philosophy of participative management, called "bureaucratic paternalism" by the left or "positive employee relations" by the right, depends critically on stable employment and requires the resources of a large firm to support personnel professionals and supervisory training.¹²¹ Increasingly in the Sixties and Seventies, large employers in the U.S. have come to rely on participative management of which QWL programs are but an extension.

Much participative management has an anti-union component in practice, if not in concept. At a minimum, effective managers are assumed now to identify and satisfy worker needs, thus eliminating the need for labor union representation. At a maximum, participative management forms one prong in an anti-union attack, along with reprisals against union sympathizers and delaying tactics in legal proceedings. The success of participative management, even at its most benign, was a major factor in the success of managers during the Sixties and Seventies in keeping unions out of highly visible non-union manufacturing companies, new facilities of formerly all-union manufacturers, and entire growth industries such as high-technology manufacturing.

Union Reaction to QWL

Before presenting the union perspective on QWL in employment relations, a brief aside is in order on the quality of union life. The 1977 QES survey identified two serious problems for the labor movement.¹²² First, many workers have a negative image of "big labor". Surprisingly, a majority believed that unions were more powerful than employers. Second, as mentioned already, current union members put a higher priority on improving the internal administration of the union than on basic bread-and-butter issues in bargaining. While the mass media and public education shape popular stereotypes of unions, the findings suggest the need for

some analogue to "participative management" for internal union administration.

With respect to QWL, the mainstream union position is skeptical of QWL programs given their largely non-union locus, and emphasizes instead the outcomes of collective bargaining.¹²³ Union leaders rightly remind psychologists that union members with comparable backgrounds receive more pay and more fringe benefits than non-union workers. They point to the fundamental due-process protection provided by the grievance procedure and arbitration to a unionized worker with a complaint against management. And finally, they emphasize the proportionately much greater impact of union membership in increasing the wages of black and female workers compared to white males. Indeed, if the broad definition of QWL popularized by Walton is accepted as a criterion, then no QWL program yet reported approaches the impact of collective bargaining.¹²⁴

A small minority of union leaders have pushed joint QWL programs as another union strategy to "enhance human dignity," as retired U.A.W. Vice-President Irving Bluestone put it.¹²⁵ Their efforts have created some significant QWL programs under collective bargaining.

QWL Under Collective Bargaining

Under collective bargaining, QWL is defined here as programs to increase worker participation in job-centered decisions beyond the traditional mechanisms of contract negotiation and the grievance procedure. Three currents characterize the evolution of such efforts: small-scale demonstration projects stimulated by government or foundation spending, large-scale corporate initiatives, and joint labor-management committees growing out of traditional bargaining.

Demonstrations. The American Center for the Quality of Work Life (ACQWL), was founded in 1974, with funding from the Department of Commerce and the Ford Foundation. It's objective is to stimulate QWL demonstration projects. Seven projects persisted through 1978.¹²⁶ The program aimed only at unionized employers, and has involved, among others, the United Mine Workers, the United Automobile

Workers, the Bakers and Confectioners, the Office and Professional Employees, and the American Federation of State, City, and Municipal Employees. So far the projects have been confined to relatively small companies or small subunits within large organization.

The structure of the projects is roughly similar. A joint union-management committee oversees the project and hires a behavioral-science consultant to advise the project and guide the organizational changes once work is underway.¹²⁷

The particular organizational changes have varied across projects. In the best-documented project, an experimental section of a small coal mine in Rushton, Pennsylvania, adopted semi-autonomous groups for getting coal.¹²⁸ At the Bolivar, Tennessee, car-mirror-manufacturing plant of Harman Industries, the U.A.W. agreed to an earned-idle-time program. There, workers could go home early if they reached their production standard,¹²⁹ or take part in educational courses. In the Tennessee Valley Authority, the local engineering association agreed to performance appraisal with merit bonuses and a four-day work week for some.¹³⁰

The demonstration projects have had limited impact, although results vary from failure to moderate success. At Rushton, the participative production system resulted in no certain productivity gains or decreases in absenteeism or turnover.¹³¹ Safety practices improved, but did not reduce already low accident rates. The participants in the experimental section liked the new organization, but miners outside the experiment (who envied the top wage rate paid to all participants in the experiment regardless of seniority or skill) carried a union vote and terminated the project. The Bolivar project fared better. Macy estimated a net present value of savings to the company of \$3,000 per worker.¹³² Although the workers showed some increases in satisfaction, they have not yet shared financially in these productivity gains.

Some projects have simply failed. Driscoll interviewed representatives from management and all the worker associations in a QWL project in a large, private

medical center and found no indication of any substantial impact either positive or negative.¹³³

Few of the projects have spread beyond the experimental subunit in the company or agency.

The choice of consultants may have contributed to the failures and limited diffusion. All the consultants practiced organizational development and learned collective bargaining while on the job. Questionable industrial relations judgments appear in several cases. At Rushton, the new joint committee processed traditional grievances as well.¹³⁴ On the eve of the vote to terminate the project, the committee spent most of its time discussing a non-QWL grievance. In the hospital project, the QWL consultants sought to continue the project even as the administration systematically undermined two participating employee associations.¹³⁵

Organization-wide projects. By contrast with these isolated demonstrations, General Motors and U.A.W., as of 1980, had some fifty separate plant projects, at some level of development, to improve QWL.¹³⁶ The program of union involvement was preceded by unilateral management attempts at organizational development using participative management. Indeed, the most innovative departures from traditional personnel practice occurred in new-plant-design projects in Southern parts-manufacturing facilities which G. M. opened and originally operated non-union. In 1973, Bluestone, as chief negotiator with G. M., demanded a formal role for the union. In a Letter of Agreement, the two parties agreed to undertake local projects with the aid of corporate and international-union staff.

As in the ACQWL'S projects, the specific local changes vary, but the projects follow general guidelines agreed to nationally:¹³⁷

1. A joint union-management committee oversees the project.
2. Production standards cannot increase.
3. No jobs will be lost due to the project.
4. The collective bargaining agreement will not be changed.

5. Individual participation is voluntary.
6. The Union is represented in all aspects of the project.
7. Either side may terminate the project at any time.

The best-known local project helped turn the assembly plant at Tarrytown, New York, from a low-rated production facility with a poor labor-relations climate into one of the sites chosen by G. M. for its new energy-efficient front-wheel-drive model.¹³⁸ The Tarrytown project emphasized problem-solving groups. Originally applied in the redesign of the layout for two trim departments, problem-solving group techniques were subsequently the object of a \$1.6 million company-funded training program.

Other than Tarrytown, no objective evaluation of the G.M.-U.A.W. projects is available or envisioned. However, both the Company and the Union have expressed satisfaction with their results.

Compared to the demonstration projects, the parties here have shown more sensitivity to collective bargaining. For example, the Union insists on keeping grievances out of the QWL forums. In addition, only union officials sit on the QWL committees to ensure the exclusion of grievances and maintain control over the project.

In 1980, two potentially major programs appeared on the U. S. QWL scene. First, the United Steel Workers and the ten basic steel companies agreed on demonstration projects.¹³⁹ Next, A. T. & T. agreed with each of its major unions, namely the Communications Workers, the International Brotherhood of Electrical Workers and the Telecommunications International, on national joint committees to deal with the quality of work life.¹⁴⁰

The Dana Corporation, a billion-dollar supplier of parts to the slumping automobile industry, has maintained its commitment to the Scanlon Plan, a more venerable approach to QWL.¹⁴¹ In 1980, Dana had nineteen plants following separate Plans. Originally developed by a local Steelworker Union leader, Joe Scanlon (later

a Lecturer at M.I.T.) to aid failing plants during the Depression, the Plan includes: departmental worker-management committees to generate productivity suggestions and a monthly bonus based on labor-cost savings. Schuster has recently provided econometric evidence of the productivity gains from Scanlon and the absence of employment losses.¹⁴²

Labor-management committees. Without using the term QWL, or employing a high-priced organizational-development consultant, negotiators in collective bargaining have a long history of discussing job-centered QWL topics apart from contract negotiations and the grievance procedure.¹⁴³ (The obvious effect of negotiations and the grievance procedure on QWL as benefits to workers was emphasized earlier.) Five thousand labor-management committees to improve productivity and morale formed during World War II and twenty percent remained in effect as late as 1948.¹⁴⁴ Indeed, cooperation to supplement contract negotiation began at TVA thirty years before the QWL demonstration.¹⁴⁵

Subsequent reviews have revealed widespread problem-solving projects. In a study of Northern Illinois, Minneapolis, and St. Paul, Shirom found labor-management committees in virtually every local relationship.¹⁴⁶ More recently, the National Center for Productivity and Quality of Working Life found hundreds of joint committees around the U.S.¹⁴⁷ Derber and Flanigan, based on informal inquiry, found 115 committees in the state of Illinois.¹⁴⁸

Committees deal with a variety of subjects, many paralleling the changes developed in designated QWL projects. Derber and Flanigan list the following subjects in order of frequency: safety and health, apprenticeship and training, employee benefits, charitable contributions, and equal employment opportunity.¹⁴⁹ Of those committees, 30% dealt with productivity and technological change; 14% reported tackling job redesign directly.

The committees present a different picture from the QWL demonstrations. Most start and meet without the help of a third party. Contract negotiators serve on almost every committee. The committees meet frequently (monthly at the mode) and

have continued in most cases for many years. Usually, the parties have more than one committee. Although their usual role is advisory to management, the committees possess substantial authority in a large minority of cases. At least by their own descriptions, the members engage more in problem-solving behavior than negotiating, and they also feel moderately successful in meeting their objectives.

The objectives and accomplishments of these committees (and for that matter of QWL projects) requires careful attention. In a survey of the committees identified by the National Center, the participants claimed their major purpose as well as their major accomplishment was to improve the inter-personal relationships among members of the committee.¹⁵⁰ As their major contribution, then, committees may facilitate indirectly the traditional process of contract negotiation and administration.

The committees are described by participants as more successful under certain conditions:¹⁵¹ First, there is pressure on the parties to take action beyond contract negotiation. Second, the bargaining power of both sides is relatively equal. Third, the bargaining history is long and relatively positive. And fourth, the parties succeed in adopting a different style, emphasizing problem-solving over adversarial negotiating.

Assessment of Collective Bargaining and QWL

Neither the labor movement nor the institution of collective bargaining has responded well to quality of work life issues, narrowly defined. Of all the issues considered (bread-and-butter, QWL, and internal union administration), union members expressed the least satisfaction with union efforts on QWL issues in the Quality of Employment Surveys.¹⁵² Potential union members never mentioned the possibility of union membership bringing them either more interesting jobs or more say in how the work is done.¹⁵³

Collective bargaining has primarily reacted to initiatives for QWL programs from outside the bargaining process. The highly publicized demonstration projects

by the American Center for Quality of Work Life (ACQWL) were government or foundation stimulated and have usually not spread beyond the experimental sites. While exceptions exist, these projects have had little impact.

The major corporate programs (e.g. G.M., Dana) have spread widely. However, it would appear that management stimulated most of these QWL efforts as part of a major evolution in management strategy to deal with worker needs unrelated to collective bargaining.

Labor-management committees represent the most encouraging prospect for collective bargaining, since they grew out of the process. However, these committees are a form of indirect participation in job-centered decision making, not direct worker involvement. The scanty evidence suggests that their primary impact may be improved relationships between the bargaining representatives rather than direct effects on workers.

The future will almost certainly bring a vast expansion of QWL projects in large firms as managers apply their latest wisdom on human resource management. Large non-union firms, especially high-technology firms, have led the QWL movement from the start. With G. M., A. T. & T., and basic steel, unionized management is clearly moving in the same direction.

The QWL movement, or more generally participative management, represents a fundamental challenge to collective bargaining. Participative management means the resolution of industrial conflict on a continuous basis at the individual or work-group level, by problem-solving discussions with the facilitation of a behaviorally-sensitive management representative. By contrast, collective bargaining has evolved as a conflict-resolution process based on episodic exchanges, between representatives of large, formal organizations using negotiating tactics, with only occasional resort to government or neutral third parties.

While QWL may be appropriate for some shop-floor production questions, major economic and political conflicts will be less amenable. What happens to the distribution of corporate income between wages and other claimants such as stock-

holders? How are economic crises weathered? The inability of QWL projects to deal with wage levels and wage demands has hampered some of the best known projects¹⁵⁴ and it is unclear how a plant shutdown would be handled.

Three alternative scenarios are possible. First, participative management may be capable of handling such fundamental conflicts at least in the core of the economy (leaving disturbances and their resolution to the periphery). Second, participative management may not deal with such conflicts, but undermine the ability of collective bargaining to deal with resulting worker dissatisfaction. Or third, collective bargaining may incorporate participative structure and retain its ability to address macro-level conflicts. Only the third scenario is optimistic for collective bargaining and requires innovation by its practitioners.

In unionized settings, both management and union representatives must recognize the preeminence of collective bargaining (unless they intend to handle all conflicts in a cooperative mode). That perspective will occasionally restrain a QWL program. For example, keeping union stewards off of QWL joint committees may increase the likelihood of fruitful, cooperative problem solving (and most departmental Scanlon committees exclude stewards). However, such separation weakens the ability of the union to control the direction and content of a QWL program.

A final word is appropriate on QWL in non-union settings. There, management is presumably satisfied with their programs. However, the labor movement has not capitalized on an opportunity. First, QWL projects identify natural leaders for an organizing campaign. And second, most QWL programs in a non-union environment probably violate Section 8 a(2) of the National Labor Relations Act by establishing, in effect, "a company union" and dealing with it as a bargaining agent.¹⁵⁵ The filing of an unfair labor practice would force the employer either to terminate a desirable program or to extend full bargaining rights to the worker representatives on the project.

CONCLUSION

These three "social issues"--equal employment opportunity, occupational safety and health, and the quality of work life--raise serious questions about the continued viability of collective bargaining as the dominant mode of resolving industrial conflict in the United States. Such issues were not simply challenges to collective bargaining, but a new range of employment conditions being given substantial societal attention for the first time in the 1960s. The message running through the discussion from the perspective of an advocate of "voluntary collective bargaining" so far has been on the negative side, with some positive experiences.

Given the difficulty created for collective bargaining by these issues, it is striking how little research has been done by industrial relations scholars on their empirical impact. There is a wealth of behavioral science interest in the quality of work life, but the research neglects labor relations implications. On the remaining two issues the dominant mode is legal analysis or informed speculation. Despite this shortcoming of the research, several conclusions deserve mention.

First, all three issues in large measure forced change on unions from outside. Federal legislation on equal employment opportunity and on safety and health, although passed only with the support of the labor movement, required modification in existing collective bargaining contracts. But the laws also established complaint mechanisms in addition to and in potential conflict with the existing grievance procedures. Management has initiated quality of working life in the U.S. Moreover, QWL emphasizes individuality, flexibility, and worker satisfaction in decision making in direct conflict with the emphasis in labor agreements on consistency, precedence, and management's right to direct the workforce.¹⁵⁶

Second, the institutions of collective bargaining have not usually made a major impact on these issues, and none of the actors in the industrial relations system (management, government, union, or workers) has defined collective bargaining as the major mechanism to address the issues. Even in safety and health, where workers desire substantial input, neither union members nor non-members define collective bargaining as the means of influence. The priority for collective bargaining appears to be traditional economic issues.

Third, the central body of the labor movement clearly has played the leading role in equal employment and safety and health. As for QWL, at the UAW where projects have spread the furthest, the International has taken the lead. Indeed, local union leaders, in discussions of all three issues, are often criticized for subservience to member prejudices on equal employment, willingness to trade off the safety and health concerns of the minority for economic concessions, and pre-disposition to sit back and watch management initiatives in QWL. Unless the local grass roots membership of the labor movement is educated and mobilized on these social issues, collective bargaining will lack the stimulus to take significant action.

Fourth, government action on equal employment, safety, and health may well have undermined the role of collective bargaining on these issues. In the Thirties and early Forties, U.S. society seemed committed to collective bargaining as the primary means of dealing with industrial conflict. Some important questions remained about the impact of bargaining and its regulation. But in that era, one could have conceived of government action encouraging collective bargaining to resolve conflicts over equal employment or safety. For example, elected delegates in union and non-union shops could have been empowered to bring complaints on both issues or stop operations (over safety and health).

Instead, the actual legislation guaranteed worker rights of a peculiar sort. Individual workers, not their collective representatives, had the right to action. Litigation in courts rather than the use of economic power in a

work stoppage was specified as the immediate remedy. By one interpretation, this legislative strategy recognized the minority status of labor unions within the workforce; by an alternative interpretation, such legislation contributed to its decline.

Fifth, and perhaps most importantly, legislation over equal employment, safety and health, and management-initiated QWL projects have greatly increased the complexity of collective bargaining by creating a separate institutional mechanism for resolving conflict. The individual complaint mechanisms of equal employment and of safety and health put both union and management negotiators in the middle. If they subordinate an individual or minority concern to the majority interest, they can be circumvented and overruled no matter how good their intention and their judgement. Moreover, representatives on union-management committees are subject to conflicting expectations in their roles as problem solvers and interest-group representatives.¹⁵⁷ Even Edwards' separate EEO tracks implies a committee to assign cases either to arbitration or to the courts. Therefore, keeping bargaining representatives (e.g. stewards and contract negotiators) off joint committees should increase the quality of problem solving.¹⁵⁸ However, such separation limits the ability of the union to use social issues to raise the consciousness of its membership and similarly increases the threat to management's contractual prerogatives. Making these judgements and managing these conflicts requires increasingly sophisticated and flexible representatives to oversee a continuous process of both bargaining and problem solving.¹⁵⁹

Finally, the limited collective bargaining response to these social issues suggests some broader conceptualization of the problem. Much of industrial relations research focuses on the latest court rulings in each area or on narrow topics such as union-management committees. The important question is what do these three social issues and the limited response of collective bar-

gaining imply for the conflict between labor and management in the U.S. Do these three social issues signal the decline of collective bargaining in favor of government regulation of working conditions? Does participative management represent a successful management strategy to deal with industrial conflict on the individual and small group level at the expense of collective bargaining? These are the important and generally neglected industrial relations questions raised by these social issues in the last two decades.

FOOTNOTES

1. Linda H. Le Grande, "Women in Labor Organizations: Their Ranks Are Increasing," Monthly Labor Review, (August 1978), p. 11.
2. Ray Marshall, The Negro and Organized Labor (New York: John Wiley and Sons, 1965); Philip S. Foner, Organized Labor and the Black Worker, 1619-1973 (New York: Praeger Publishers, 1974); Herbert R. Northrup, Organized Labor and the Negro (New York: Harper, 1944).
3. U.S. Department of Labor, Bureau of Labor Statistics, Earnings and Other Characteristics of Organized Workers, May 1977, Report 556 (April 1979).
4. Thomas A. Kochan, "How American Workers View Labor Unions," Monthly Labor Review, Vol. 102 (April 1979), p. 25.
5. Derek C. Bok and John T. Dunlop, Labor and the American Community (New York: Simon and Schuster, 1970), pp. 134-135.
6. Ibid., p. 135.
7. U.S. Department of Labor, Bureau of Labor Statistics, Characteristics of Major Bargaining Agreements, January 1, 1978, Report 2065 (April 1980).
8. Bureau of National Affairs, Basic Patterns in Union Contracts (May 1979, Ninth Edition).
9. Steele v. Louisville and Nashville Railroad, 323 U.S. 192 (1944) at 204.
10. University of Pennsylvania Law Review, "The Union As Title VII Plaintiff: Affirmative Obligation to Litigate" (Vol. 126: 1402).
11. Hughes Tool Co., 147 NLRB 1573 (1964).

12. The Equal Employment Opportunity Act of 1972, Public Law 92-261 Approved March 24, 1972.
13. Ibid.
14. Ibid.
15. University of Pennsylvania Law Review, op. cit., pp. 1408-1409.
16. 14 FEP Cases 1514 (1977), 431 U.S. 324.
17. Harvard Law Review, "Union Liability for Employer Discrimination," (February 1980), p. 721.
18. Benjamin W. Wolkinson, Blacks, Unions and the EEOC, (Lexington, Mass.: Lexington Books), pp. 118-120.
19. Daily Labor Report, "EEOC Background Paper and Resolution to Encourage Voluntary Affirmative Action in Collective Bargaining," (April 2, 1980), p. D1-D2.
20. Philip Ross, "Origin of the Hiring Hall in Construction," Industrial Relations, Vol. 4, No. 3 (October 1972), p. 367.
21. Data provided by Herbert Hammerman.
22. 442 F. 2d 159 (3d Cir.) 1971; cert. denied 404 U.S. 854.
23. 280 F. Supp. 719 (E.D. Mo) 1968; 268 F. Supp. 83 (S.D. Ohio) 1967; 44 Ohio Op. 2d 468; 443 F. 2d 544 (9th Cir.) cert. denied 404 U.S. 984 (1971).
24. 442 F. 2d 159.
25. 311 F. Supp. 1002.

26. Robert Glover and Ray Marshall, "The Response of Unions in the Construction Industry to Antidiscrimination Efforts," Equal Rights and Industrial Relations (IRRA 1977), p. 138, See also Ray Marshall et. al. Employment Discrimination: The Impact of Legal and Administrative Remedies (New York: Praeger Publishers, 1978), Chapter 2, "Combating Employment Discrimination in Union Entry and Job Referral Through Litigation: The Case of Construction."
27. Lamond Godwin and Ernest Green, Selected Strategies To Increase Employment Opportunities for Nonwhites in the Construction Industry, Paper for Workshop on Equal Employment Opportunity, M.I.T., 1974 (unpublished).
28. Ray Marshall, Employment Discrimination, op. cit.
29. 280 F. Supp. 719 (E.D. Mo. 1968); 416 F. 2d 123 (8th Cir. 1969).
30. 294 F. Supp. 368 (E.D. La. 1968).
31. 407 F. 2d. 1047 (5th Cir. 1969).
451 F. 2d. 1236 (5th Cir. 1971),
32. 315 F. Supp. 1202 (W.D. Wash, 1970); 443 F. 2d. 433 (9th Cir. 1971).
33. 18 FEP Cases 1560.
34. Steven J. Donato, A Comparison of Occupational Structure In Union and Non-Union Commercial Industrial Construction, Alfred P. Sloan School of Management, June 1980, (unpublished Master's Thesis).
35. James A. Craft, "Equal Opportunity and Seniority: Trends and Manpower Implications," Labor Law Journal, (December 1975), p. 750.
36. 416 F. 2d 980 (5th Cir, 1969) cert. denied 397 U.S. 919 (1970).
37. 279 F. Supp. 505 (E.D. Va. 1969) cert. denied.

38. William B. Gould, Black Workers in White Unions, (Ithaca: Cornell University Press, 1977).

39. Franks v. Bowman Transportation Co., 12 FEP Cases 549 (1976) (reversing and remanding) 8 FEP Cases 66.

40. 508 F. 2d 687 (3d Cir. 1975).

41. 18 FEP Cases 63 (1977); 19 FEP Cases 121 (1979); 21 FEP Cases 21 (1980).

42. 14 FEP Cases 1514 (1977); 431 U.S. 324.

43. 15 FEP Cases 827 (1977); 559 F. 2d 310.

44. 556 F. 2d 167; 14 FEP Cases 1210 (1977); 13 FEP Cases 390 (1976); cert. denied July 3, 1978 17 FEP Cases 1095.

45. 446 F. 2d. 652 (2d Cir. 1971); 312 F. Supp. 994 (W.D.N.Y. 1970).

46. 15 FEP Cases 935; 553 F. 2d 451; cert. denied 16 FEP Cases 1093 (1978).

47. 12 FEP Cases 1621 (June 1976) and 16 FEP Cases 1 (1977) and 20 FEP Cases 1 (1979).

48. James E. Jones, "The Transformation of Fair Employment Practice Policies," Federal Policies and Worker Status Since the Thirties (Madison, WI: IRRA, 1976).

49. United Steelworkers v. American Mfg. Co., United Steelworkers v. Warrior Gulf and Navigation Co., United Steelworkers v. Enterprise Wheel and Car Corporation.

50. George Hildebrand, "Prospects Regarding the Administration of Collective Bargaining," The Shrinking Perimeter, edited by Hervey A. Juris and Myron Roomkin, Lexington Books, D.C. Heath & Co., Lexington, Mass., 1980, p. 105.

51. 415 U.S. 36 (1974).
52. Harry T. Edwards, "Arbitration As An Alternative in Equal Employment Disputes," The Arbitration Journal, (December 1978).
53. Ibid., p. 24.
54. Gould, op. cit.
55. 23 FEP Cases 852 (1980).
56. 23 FEP Cases 588 (1980).
57. Interview with official from EEOC, January, 1980.
58. Harry T. Edwards, "Arbitration of Employment Discrimination Cases: An Empirical Study," Proceedings of the Twenty-Eighth Annual Meeting, National Academy of Arbitrators (1975), p. 69.
59. Boylan vs. New York Times (1978), Rosario vs. New York Times (1981)
60. Daily Labor Report, December 29, 1980.
61. Ashford, Nicholas Askounes, Crisis in the Workplace: Occupational Disease and Injury, A Report to the Ford Foundation. Cambridge, MA: MIT, 1976.
62. Accident Facts, 1979 Edition. Chicago, Illinois: National Safety Council, 1979. Data for 1980 given in telephone conversation. The Bureau of Labor Standards estimate is lower (5,000) but based on employer reports is less than the total population.
63. Ashford, op. cit.

64. Herbert R. Northrup, Richard L. Rowan, and Charles R. Perry, The Impact of OSHA, Philadelphia, PA: University of Pennsylvania, Wharton School, Industrial Research Unit, 1978.

65. National Safety Council, op. cit.

66. Robert P. Quinn and Graham L. Staines, The 1977 Quality of Employment Survey, Ann Arbor, Michigan: University of Michigan, Institute for Social Research, 1979.

67. Ashford, op. cit.

68. Ashford, op. cit.

69. Lane Kirkland, "OSHA: A 10-Year Success Story," The AFL-CIO American Federationist, Vol. 87, No. 7, July 1980, pp. 1-4.

70. Kirkland, Ibid.

71. Northrup et al., op. cit.

72. "Comparison Between the Schweider Rider (FY '80 Appropriations) and Byron Rider (FY '81 Appropriations)," U.S. Department of Labor, Occupational Safety and Health Administration, October 8, 1980 (mimeo).

73. Industrial Union Department, AFL-CIO, Petitioner, vs. American Petroleum Institute et. al.; and Ray Marshall, Secretary of Labor, Petitioner, vs. American Petroleum Institute et. al. 48 LW 5022.

74. Kirkland, op. cit.

75. John Mendeloff, Regulating Safety: An Economic and Political Analysis of Occupational Safety and Health Policy, Cambridge, Massachusetts: M.I.T., 1979.

76. Ashford, op. cit.

77. "Song of the Canary," broadcast by Public Broadcasting System.

78. Thomas A. Kochan, Collective Bargaining and Industrial Relations, (Homewood, Illinois: Richard D. Irwin, 1980).

79. Bureau of National Affairs Daily Labor Report, Safety and Health Patterns in Union Contracts, September 13, 1978, No. 178, pp. E1-E2,

The following section relies heavily on

80. /Nicholas A. Ashford and Judith I. Katz, "Unsafe Working Conditions: Employee Rights Under the Labor-Management Relations Act and the Occupational Safety and Health Act," Vol. 52, June 1977, Notre Dame Lawyer, pp. 802-836.

81. Gateway Coal vs. UMW, 414 U.S. 368 (1974).

82. Redwing Carriers, 130 NLRB 1208, 1209, 47 LRRM, 1470 (1961).

83. Whirlpool Corporation, Petitioner, vs. Ray Marshall, Secretary of Labor, 48 LW 4189.

84. Thomas A. Kochan, Lee Dyer, and David B. Lipsky, The Effectiveness of Union-Management Safety and Health Committee, Kalamazoo, Michigan: W.E. Upjohn Institute for Employment Research, 1977.

85. Joseph B. Summa, "Criteria for Safety and Health Arbitration," Labor Law Journal, Vol. 26, No. 6, June 1975, pp. 368-374.

86. John Listinsky, "Arbitration and Refusing Hazardous Work," Buffalo, New York: New York State School of Industrial and Labor Relations - Cornell University (OSHA Programs mimeo).

87. Ibid.

88. BNA Daily Labor Report, Safety and Health Policies, op. cit.

89. George G. Robinson, "Voluntary Committees Function Effectively Only Because OSHA Is There," The AFL-CIO American Federationist, Vol. 87, No. 7, July 1980, pp. 9-10.
90. Kochan, Dyer and Lipsky, op. cit.
91. Lawrence S. Bacow, "Bargaining for Job Safety and Health," Cambridge, Massachusetts: MIT, 1980.
92. Harry C. Herman Associates, "A Journalistic Study of Labor-Management Safety Committees," Report to Occupational Safety and Health Administration, U.S. Department of Labor, June 1980.
93. James W. Driscoll, "Labor-Management Panels: Three Case Studies," Monthly Labor Review, Vol. 103, No. 6, June 1980, pp. 41-44.
94. Bureau of National Affairs Union Labor Report - Weekly Newsletter, "Occupational Health Efforts of Fifteen Major Labor Unions," October 28, 1976.
95. U. S. Department of Labor, Occupational Safety and Health Administration, Institutional Competency Building Program in Occupational Safety and Health, Project Summaries for Second-Year Grants (FY '80), mimeo December 17, 1979.
96. "MASSCOSH Report to Membership, November 22, 1980," Massachusetts Coalition for Occupational Safety and Health, Boston, Massachusetts.
97. Kochan, Dyer, and Lipsky, op. cit.
98. Samuel S. Epstein, The Politics of Cancer, Garden City, New York: Anchor Books, 1974.
99. Kochan, 1980, op. cit.
100. Quinn and Staines, op. cit.

101. Quinn and Staines, op. cit.
102. Bacow, op. cit.
103. My colleague Tom Kochan made a related point in personal discussions.
104. Ashford, op. cit.
105. Henry S. Farber, "Individual Preferences and Union Wage Determination: The Case of the United Mine Workers," Journal of Political Economy, Vol. 86 (October 1978), pp. 923-42.
106. Helton v. Hake, 98 LRRM 2905 (Missouri Court of Appeals, 1978).
107. Morris David and Lawrence Drapkin, Workplace Safety and Health: Recent Developments in Union Liability, Berkeley, California: University of California, Institute of Industrial Relations, Labor Occupational Health Program, June 1980.
108. John T. Dunlop, "The Limits of Legal Compulsion," Labor Law Journal, Vol. 27, No. 2, (February 1976), pp. 67-74.
109. W. Edward Stead and Jean G. Stead, "Cancer in the Workplace: A Neglected Problem," Personnel Journal, (October 1980), pp. 847-949.
110. Ashford, op. cit.
111. Special Task Force on Work In America, Work in America, Report, Cambridge, Massachusetts, M.I.T., 1973.
112. George Strauss, "Quality of Work Life and Participation as Bargaining Issues," in Harvey A. Juris and Myron Romkin (Eds.), The Shrinking Perimeter: Unionism and Labor Relations in the Manufacturing Sector, (Lexington, Ma., Lexington Books, D. C. Heath, 1979). See also Staines, Graham C., "Is Worker Dissatisfaction Rising?", Challenge, Vol. 22, No. 2, (May-June 1979), pp. 38-45, and Charles N. Weaver, "Job Satisfaction in the United States in the 1970s", Journal of Applied Psychology, Vol. 65, No. 3, 1980, pp.364-367.

113. Staines, ibid.
114. Charles Heckscher, "Directions in the Democratization of Work," Cambridge, Massachusetts: The Group for Work Democracy (mimeo).
115. Robert Flanagan, George Strauss, and Lloyd Ulman, "Worker Discontent and Workplace Behavior," Industrial Relations, Vol. 12, May 1974, pp. 1-23.
116. Quinn and Staines, op. cit.
117. U.S. Congress, Senate Committee on Labor and Public Welfare Worker Alienation, 1972. Hearings before the Subcommittee on Employment, Manpower and Poverty.
118. National Center for Productivity and Quality of Working Life, Directory of Labor-Management Committees (First and Second Editions), Washington, D.C.: 1976.
119. Kochan, 1980, op. cit., pp. 413-414.
120. This section relies heavily on Heckscher, op. cit.
121. Heckscher, op. cit.
122. Quinn and Staines, op. cit.
123. Thomas R. Donahue, "Collective Bargaining, Co-determination, and the Quality of Work," World of Work Report, Vol. 1, No. 6, August 1976, pp. 1, 6.
124. Richard E. Walton, "Quality of Working Life: What Is It?," Sloan Management Review, Vol. 15, No. 1, Fall 1973, pp. 11-22.
125. Irving Bluestone, "How Quality of Work Life Projects Work for the United Auto Workers," Monthly Labor Review, Vol. 103, No. 7, July 1980, pp. 39-41.

126. Edward E. Lawler and John A. Drexler, "Dynamics of Establishing Quality of Work Life Projects," Bureau of National Affairs, Daily Labor Report, March 31, 1978, pp. B2 - B6.

127. Ibid.

128. Paul S. Goodman, Assessing Organizational Change: The Rushton Quality of Work Experiment, New York: John Wiley, 1979.

129. Margaret Molinari-Duckles, Robert Duckles, Michael Macoby, "The Process of Change at Bolivar," Journal of Applied Behavioral Science, Vol. 13, No. 3, July-August, September 1977, pp. 387-399 and Barry A. Macy, "The Quality of Work Life Project at Bolivar: An Assessment," Monthly Labor Review, Vol. 103, No. 7, July 1980, pp. 41-43.

130. Barry A. Macy and Aaron J. Nurick, "The Tennessee Valley Authority Quality of Working Life Experiment," Mimeographed paper presented to Academy of Management, August 1977.

131. Goodman, op. cit.

132. Macy, "The Quality of Work Life Project at Bolivar: An Assessment."

133. Driscoll, 1980, op. cit.

134. Goodman, op. cit.

135. Driscoll, 1980, op. cit.

136. Bluestone, op. cit.

137. Ibid.

138. Robert H. Guest, "Quality of Work Life --- Learning from Tarrytown," Harvard Business Review, Vol. 57, No. 4, July-August 1979, pp. 76-87.

139. Bureau of National Affairs, Selected Contracts in Text in Collective Bargaining Negotiations and Contracts; Techniques and Trends, Current Settlements, Washington, D.C.: 1980, pp. 271-72.

140. "A New Bell Pact Everyone Likes," Business Week, September 1, 1980, p. 56F.

141. James W. Driscoll, "Working Creatively With a Union; Lessons from the Scanlon Plan," Organizational Dynamics, Vol. 8, No. 1, Summer 1979, pp. 61-80.

142. Michael Shuster, "Labor-Management Cooperation Effects on Productivity and Employment" (tentative title), Unpublished doctoral dissertation, Syracuse University.

143. Milton Derber and Kevin Flanigan, "A Survey of Joint Labor-Management Cooperation Committees in Unionized Private Enterprises in the State of Illinois, 1979: Part One," University of Illinois, Institute of Labor and Industrial Relations, January 4, 1980. See also the 1977 Conference Board Survey cited by Kochan, op. cit.,

144. Dorothea de Schweintz, Labor-Management Cooperation in a Common Enterprise, Cambridge, Massachusetts: Harvard University, 1949 and Ernest Dale, Union-Management Cooperation in Arthur Kornhauser and Others (editors), Industrial Conflict, New York: McGraw-Hill, 1964. p. 424.

145. Macy, op. cit.

146. Arie Shirom, "Industrial Cooperation and Adjustment to Technological Change: A Study of Joint Management Union Committees," Madison, Wisconsin: University of Wisconsin, Ph.D. thesis 1968 as cited in Derber and Flanigan, op. cit.

147. National Center for Productivity and Quality of Working Life, Directory of Productivity and Quality of Working Life Centers, Washington, D.C.: 1978.

148. Derber and Flanigan, op. cit.

Survey cited by Kochan, op. cit., p. 424.

149. Derber and Flanigan, op. cit.

150. James W. Driscoll, "Labor-Management Committees in the U.S.: A National Survey," Cambridge, Massachusetts: M.I.T, Sloan School of Management, August 23, 1979 mimeo.

151. James W. Driscoll, "Problem-Solving Between Adversaries: Predicting Behavior in Labor-Management Committees," International Journal of Applied Psychology, (forthcoming).

152. Quinn and Staines, op. cit.

153. Ibid.

154. Richard E. Walton, "The Diffusion of New Work Structures: Explaining Why Success Didn't Take," Organizational Dynamics, Vol. 3, No. 3, (Winter 1975), pp. 2-22. See also Paul S. Goodman, "Realities of Improving the Quality of Work Life: Quality of Work Life Projects in the 1980's," Labor Law Journal, Vol. 31, No. 8, August 1980, pp. 487-494.

155. Kent F. Murrman, "The Scanlon Plan Joint Committee and Section 8(a) (2)," Labor Law Journal, Vol. 31, No. 5, pp. 299-304.

156. Leonard A. Schlesinger and Richard E. Walton, "Work Restructuring in Unionized Organizations," Proceedings of the 29th Industrial Relations Research Association, Meetings (Madison, Wisconsin: Industrial Relations Research Association, 1977), pp. 345-351. See also Strauss, op. cit.

157. James W. Driscoll, Paul McKinnon, Marvin Israelow, "Coping With Role Conflict: An Exploratory, Field Study of Union-Management Cooperation," International Journal of Applied Psychology, (forthcoming).

158. James W. Driscoll, "Problem-Solving Between Adversaries: Predicting Behavior in Labor-Management Committees" (forthcoming), International Journal of Applied Psychology.

159. James W. Driscoll, "A Behavioral-Science View of the Future of Collective Bargaining in the U.S.," Labor Law Journal, Vol. 30, No. 7, July 1979, pp. 433-438.

OC 5 '82

BASEMENT
Date Due

BASEMENT Date Due	

Lib-26-67

HD28.M414 no.1203- 81
Wallace, Phyll/Social issues in collec
742341 D*BKS 00133578



3 9080 002 007 554

