GOVERNMENT MEDIATION AND
ARBITRATION OF LABOR DISPUTES*

CURRENT PROPOSALS

I. General

American Management Association. Personnel Series No. 72. Toward
a national labor policy. By Almon E. Roth, Van A. Bittner, Lloyd K.
Garrison, and Elmo Roper. New York 18 (330 West 42nd St.).
1943. 40 pp. 50 cents.

Presenting the viewpoints of management, labor, government, and
the public, this discussion covered the whole range of labor policy
with the settlement of disputes as one part of the problem. Mr. Roth
made the suggestion, which has been made at various times by other
members of the WLB, that work with the Board has “constituted a
great school for the training and development of local leadership in
adjustment of industrial disputes.” Mr. Roth and Mr. Garrison both
anticipated that there would be a demand for decentralization of
adjustment procedures after the war with resulting increase in state
legislation. Mr. Garrison suggested a national tripartite board of
review “which could set general policy and pass upon complaints of
administrative errors and shortcomings.”

American labor policies; proceedings of a conference. New Wilminton,
35 cents.

All three speakers agreed in principle to the necessity for a national
arbitration board. Dr. Leiserson’s paper presented the most compre-
nhensive suggestions for machinery to handle different types of labor
disputes, resembling that now in use on the railroads. Mr. Hill
stressed the responsibility of management and labor to settle their
own differences and would subject the right to strike to certain
restrictions by amending the National Labor Relations Act.

*Items from this list should be ordered directly from the publishers. Addresses and
prices are given in connection with each reference.

Report of a committee under the chairmanship of William H. Davis and representing management, labor, government, and the public. Concludes that "the extent of government participation in collective bargaining will wax or wane in direct ratio to the success of voluntary action by management and unions. . . ."

Suggests setting up voluntary tripartite mediation boards in every sizable industrial community to encourage "localized, as against federal, settling of management-labor controversy; to reverse the centralizing trends of submitting to Washington issues that can be more effectively decided in the local community."

"To further encourage industrial self-government . . . the Committee suggests that a second type of voluntary mediation board, to be composed of management and labor representatives, be established within each industry. The personnel for these boards, which would exclude any public representation at all, would be drawn from employer and employee organizations other than those directly involved in a dispute."

2. Federal Legislation

U.S. 79th Congress, 1st session. Senate. S.1171. A bill to protect interstate and foreign commerce by providing for the prompt, peaceful, and just settlement of labor relations controversies between employers and employees, to establish the rights and obligations of the parties thereto, to amend the National Labor Relations Act, and for other purposes. Introduced by Mr. Hatch (for himself, Mr. Burton, and Mr. Ball). June 20, 1945. 53 pp.

The proposed Federal Industrial Relations Act which provides, among other things, for the establishment of a Federal Labor Relations Board with power of compulsory arbitration in disputes affecting the public interest.

—— Senate. S. 1419. A bill to protect interstate and foreign commerce by providing means for the prompt and orderly settlement of controversies between employers and employees, and for other purposes. Introduced by Mr. McMahon (for himself, Mr. Hayden, Mr. Thomas, and Mr. Tunnell). September 20, 1945. 25 pp.

Would create in the Department of Labor a Conciliation and Mediation Division charged with the duties of encouraging employers and employees to settle differences in conference and, failing this, to offer its services to bring the parties together. Would also create an independent United States Board of Arbitration of three members and would provide for appointment of ad hoc boards of inquiry.
EXPERIENCE IN THE UNITED STATES

1. General


Although the factual material used in these three books is, to a considerable extent, the same, each author approaches the field from a different point of view. Dr. Braun is interested in the "basic problems and fundamental principles that underlie all adjustments of labor controversies" and his examination of the machinery for adjusting disputes is done with these principles in mind. He also discusses pertinent foreign experience, chiefly that of the German labor courts.

Nearly half of Dr. Fisher's book is concerned with labor disputes in the railroad, coal, and steel industries as a means of illustrating techniques for handling disputes. Dr. Kaltenborn's book is a critical study of experience with municipal, state, and federal agencies for the mediation and arbitration of disputes.

2. State and Local


The author's study of the New York State Board of Mediation led him to recommend that a national mediation board following the same pattern be established.


A study of the only experiment in this country with compulsory arbitration.


Reprints of three articles originally published in the *National Municipal Review*. The first two describe the work of the Toledo, Ohio, and Newark, New Jersey, municipal boards for handling labor disputes. The third reports on a survey of municipal policy toward local labor disputes in eighty cities.

Presents "(1) a summary explanation of the State legislation pertaining to the arbitration of labor disputes, (2) a set of digests analyzing the laws of each State, and (3) two panoramic tables for a comparative analysis of the laws."


Based on the records of the Industrial Commission, a detailed study of the operation of the law from 1915-1926.

EXPERIENCE IN OTHER COUNTRIES


Comares the procedures for settling labor disputes at the national level in Great Britain, pre-Nazi Germany, and Australia. These three countries were chosen because they represented different approaches to the problem ranging from reliance upon purely voluntary measures to compulsory arbitration.


These studies analyze Canadian experience with special reference to its significance for the United States. The conciliatory features of the law have been emphasized in administrative practice and the author attributes its success to this subordination of compulsion.


These reports cover existing procedures for collective bargaining and for the settlement of industrial disputes and give briefly the evolution of these procedures.