CURRENT PROPOSALS FOR DEALING WITH STRIKES AFFECTING THE NATIONAL INTEREST**

I. General


The author believes that recently government has tended to move into labor disputes too often and stay in too long. The aim of government action should be to prevent the development of crisis situations by helping the parties to approach bargaining more constructively. Presidential intervention should be used only "in truly rare and unusual situations."


The recommendations of this group include more emphasis on high quality mediation services, more stress on preventing breakdowns in collective bargaining, a choice of procedures available to the President when true emergency disputes occur, amendment of the Railway Labor Act, and encouragement to private parties to settle work assignment disputes themselves.


Weighs the merits of various proposals which have been made for handling emergency disputes and finds none of them more satisfactory than present Taft-Hartley Act procedures. However warns that intervention should seldom be invoked and that government should encourage the parties to settle their own disputes.

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

Reviews and compares various proposals for non-stoppage strikes and discusses their advantages and disadvantages to the strikers and to the employers. Argues that the semi-strike deserves "serious and widespread trial" as "the only alternative in sight which avoids the rigidities of governmental wage and price determinations."


An examination of "the effects of government intervention as an inducing or compelling agent to obtain peaceful settlement where the government forces the parties to submit their dispute to third parties . . . or penalizes the parties for declining to agree to such submission." In his conclusions and recommendations (pp. 207-211), the author expresses his conviction that government intervention has many disadvantages, and his proposals for change reflect this opinion. The appendices, which comprise half the volume, include reprints of articles written by the author and others on experience with government intervention in the states and in foreign countries.


In spite of the nearly unanimous opposition to compulsory arbitration, the author points out that there is already extensive experience in this country with compulsory third-party settlement of certain classes of disputes. He holds that "the judicial process has not yet been proved inappropriate to labor-management disputes" and that in cases of strikes which "carry too high a social cost to be tolerated . . . experimentation with some type of compulsory arbitration is a logical extension of past experience."


The impact of most recent industry-wide strikes has borne more heavily on the public than on the parties, according to this author. He suggests a combination of fact-finding and compulsory arbitration where necessary to protect the public interest and discusses at some length his reasons for believing that a limited system of compulsory arbitration is needed.

Holds that the shift toward compulsion in the settlement of labor disputes is undesirable and that government-dominated bargaining has failed. Advocates the encouragement of "free and private" industrial relations and believes that top government officials should disengage themselves from labor disputes and hand the problem over to the professionals. In cases of critical strikes, suggests continued partial operation of the enterprise under the direction of a public official and the encouragement of a wide variety of private mediation approaches.


Proposes that two different classifications of emergency disputes be established. Disputes which, in the opinion of the President, constitute "a threat to physical health or national defense" would be settled by compulsory arbitration. Those which "imperil public welfare" would be referred to a board of inquiry empowered to arrange for a specified "degree of partial production or distribution for an indefinite period."

Stevens, Carl M. "Is compulsory arbitration compatible with bargaining?" *Industrial Relations* (Institute of Industrial Relations, University of California, Berkeley, Calif. 94720), February, 1966. pp. 38-52. $1.50.

Argues that a strong compulsory arbitration system in which strikes and lockouts are precluded is compatible with collective bargaining if either party can invoke arbitration and if the award is based on the "one-or-the-other principle."


A chronological record of the major actions taken by all Taft-Hartley emergency boards through 1965. A selected bibliography on national emergency disputes is included.


Among its recommendations, the Committee proposed amending the Taft-Hartley Act to provide for optional appointment by the President of an Emergency Dispute Board upon recommendation by the Director of the Federal Mediation and Conciliation Service. This board would be authorized to mediate and, if deemed necessary by the President, to hold
hearings and make recommendations. The Committee also recommended elimination of the last offer ballot procedure and reference of a dispute to Congress for appropriate action if not settled within eighty days. (Excerpts from this report were reprinted in the *Monthly Labor Review*, July, 1962, pp. 767-770.)

2. EXPERIENCE WITH STRIKE CONTROLS IN SPECIFIC INDUSTRIES


Reviews the various attempts made to settle the work rules dispute during the years 1959-1964 and argues that the conflict cannot be resolved in the absence of the right to strike. Bargaining on the issues should be left to the individual railroads, removing it from national negotiations. Third-party intervention should be limited to "the purpose of creating an environment in which the parties can negotiate successfully."


Four papers presented at the spring meeting of the Industrial Relations Research Association which discuss experience with dispute settlement procedures in the atomic energy and the missile and space industries. The viewpoints expressed reflect those of representatives of government, industry, and labor who have been intimately associated with the operation of the special panels.


Points out that the emergency disputes provisions of the Taft-Hartley Act have been especially ineffective in preventing strikes in the maritime and longshore industries and that the real solution of these industries' problems lies, not so much in legislative action, as in cooperative effort by the parties involved, perhaps under government sponsorship and leadership.


Examination of experience with arbitration, mediation, fact-finding, seizure, and injunction in settling steel labor disputes leads to the conclusion that "Late, informal, and mediatory intervention has produced settlements and appears to be least harmful in achieving a pattern of private agreement." The choice-of-procedures approach is considered to be overrated. (See especially pp. 3-18 and 207-227.)