Misguided Class Action Suits

When Title VII of the Civil Rights Act of 1964 was being considered, the AFL-CIO and all of its International Unions, including the OPEIU, fully supported its aims. The AFL-CIO and the OPEIU felt that all minorities were entitled to a fair shake in the workplace and that discrimination in employment must be eliminated.

The Taft-Hartley Act of 1947 eliminated the last vestige of any union voice in the hiring of workers. This Act not only prohibited unions from including in collective bargaining agreements the provision that workers must be members of a union before being hired, but also eliminated the referral system including those who were not members of unions.

In supporting the Equal Employment Opportunities Act, known as Title VII, the AFL-CIO in effect joined with the government in compelling employers to hire on a non-discriminatory basis. This Act was passed over employer opposition.

International unions, including our own, were shocked to find that class action suits brought by blacks, Hispanics and women in most cases involved all of the unions having a collective bargaining relationship with the firm involved despite the fact that these unions, including ours, have no voice whatsoever in the selection of new hires.

Numerous lawyers instituting such suits have persuaded minority workers to name all of the unions in a particular company in order to widen the possibility of success insofar as targets are concerned in court suits. Employers have done nothing whatsoever to discourage the naming of unions in such class actions. In fact, the reverse is true. Employers have secretly encouraged workers to include unions in such suits.

The Office of Employee International Unions has been named in such class actions when, as pointed out above, we have nothing whatsoever to do with hiring by employers, and workers become members of the OPEIU only after working 31 days after hire by the employer.

In one case in a paper company in the South, we have been named in a class action suit along with the employer and every other union in the plant by a janitor, who has never been a member of the union and was never included by the National Labor Relations Board in our collective bargaining unit.

While we realize that these suits are encouraged by so-called "liberal" lawyers, some of whom are supposed to be friends of labor, it is imperative that we use counsel to answer these actions correctly in court on our behalf. Needless to say, these actions are nuisances and expensive. The burden of discrimination against women and minorities in the labor force rightfully belongs on the backs of those responsible for it—the employers.

In addition, we are now faced with threats to our seniority system in lay-offs. With the economic picture as dreary as it is, our collective bargaining units throughout the United States have been reduced in hundreds of instances. Our contracts, like those of other unions, call for lay-offs to be made in accordance with seniority. In effect, therefore, the last hired is the first to be laid off.

When rehiring takes place, as the company's economic picture brightens, the last laid off is the first to be rehired. This seniority practice has been in effect for 76 years in the United States, ever long before the Wagner Act. It has been considered, and rightly so, to be the only fair way of handling lay-offs as a result of an economic downturn.

The seniority system was introduced in 1900 by the Railroad and Typographical Unions. It was recognized as the finest yardstick to determine who is to go from the graveyard shift to the day shift: who is to get the choicest vacation period: who is to be

Delegates from seven OPEIU Locals in the North Central Region voted unanimously to join together to form a new set of lay-off councils at a meeting in early January at the Red Carpet Inn in Milwaukee, Wis. They also agreed to hire a representative for the new council.

A further meeting was scheduled to draw up a constitution for the new council. Only a name, elect officers, and make arrangements so that it can begin functioning before April 1. And the council hopes that other OPEIU Locals in the Region will shortly join the group.

The representation of Locals from a three-state area: Local 12 (Twin Cities)—St. Paul-Minneapolis, Minn. Local 39, Madison, Wis. Local 44, La Crosse, Wis. Local 158, Aurora, III. Local 311, Kankakee, III. Local 336, Kenosha, Wis. Local 391, Chicago, Ill.

The meeting was chaired by Vice President Bill Adams, and was attended by Vice President H. R. Markusen and International Representative Mike Walker. Director of Organization Art Lewandowski was the guest speaker.

He told the group that form of councils of OPEIU members whose pay scales and fringe benefits must be protected from the unfair competition of non-union companies.

He said the Council concept had been successfully tested by our Canadian Locals, especially in new organizing. It represents a new approach now to our Locals in the U.S. for organizing the unorganized in the white collar field.

He concluded by expressing the hope that all OPEIU Locals throughout the nation will be quick to follow the example of the seven pioneer Locals in the North Central Region.

The delegates regarded the Council concept with enthusiasm, and looked forward to it as "providing a great vehicle for new organizing in the area," since it promises better service and representation for members in their own Local.

They invited other OPEIU Locals in the area to join in the new Council, feeling that as it expands its scope it may be possible in the near future to hire an additional Representative for its staff, thereby doubling its capacity for growth and service to all members in the region.

OPEIU Wins Dispute on Stewards

The National Labor Relations Board has ruled that a union steward can exercise super-seniority in the event of new hires, even as those employees who were not members of unions.

The ruling was handed down in the case of Elaine Siciliano, a Hospital Service Plan (Blue Cross-Blue Shield) of New Jersey senior accountant who filed unfair labor practice charges against her employer and OPEIU Local 32 in Newark, N.J., which represents the health agency's 1,000 office employees.

She charged that she was unfairly bumped laterally to a junior position by Hansel Anglin, a union steward and also an accountant in her grade whose position was deleted and who then exercised a clause in the union contract giving super-seniority for stewards in the event of layoffs.

In a decision on her case last May, Administrative Law Judge Melvin J. Welles decided in her favor, holding that the super-seniority clause in the OPEIU contract was "unlawful." Both the OPEIU and her employer appealed the decision to the board in Washington, D.C.

A three-member panel, comprising Chairman Betsy Southard Murphy and members John A. Pendello and John H. Manning, unanimously overturned the Law Judge's ruling and dis- missed the case. The board held that "if, as the Administrative Law Judge found, super-seniority for stewards does not per- mit, lateral bumping, then it means nothing at all," the panel declared. "The use of super-se- niority to protect a steward's grade level and position in the event of involuntary job change furthers the statutory purpose of protecting employees' statu- tory Section 7 rights by insuring that a steward be kept on the job at all times and not be subject to the contingency of threat of layoff."

Across-the-board wage gains totaling 22%, plus another 4% provided each on the employee's birthday, were won in a new three-year contract renegotiated by Local 27 for its 900-member unit at American National Insurance Company in Gal- vaston, Texas, International Bill Kirby reports.

It calls for a 10% increase effective last October 10, another 7% on October 9, 1978, and 5% on October 9, 1978. Rates in pay grades one through four and the top grade M-1, are increased by 14% in the first year, 12% in the second, and 9% in the third year so that "turnover problems may be reduced by a higher scale."

Monthly salaries for Grade 1 employees are increased to a minimum starting rate of $517.18.\n
(Continued on Page 4)
**Tide Rising Against 14(b)***

Dr. Ray F. Marshall, the new Secretary of Labor, told reporters that he supports affirmative action programs to expand job opportunities for minorities and favors repeal of Section 14(b) of the Taft-Hartley Act, which permits states to outlaw union shop agreements.

He indicated that he "probably would have supported the construction site picketing and bargaining legislation, shaped under the guidance of former Secretary of Labor John P. Dunlap, but vetoed by former President Ford.

Marshall disclaimed expertise in the area, but said he saw site picketing rights as part of an "overall effort" to improve labor-management relations in the construction industry.

The new Secretary of Labor has had a long and distinguished career in the academic world as a labor economist whose views are liberal, informed and sensible. A former University of Texas professor and manpower expert, he has worked closely with the trade union movement to provide jobs for the underprivileged.

In addition to his teaching duties, he served as a director of the Center for Study of Human Resources, chairman of the Federal Committee on Apprenticeship, and president of the National Rural Center. He is also president-elect of the prestigious Industrial Relations Research Association.

In an interview at Plains, Ga., he told reporters that the government should provide useful jobs when persons "willing and able to work" can't find employment in the private sector.

In his new post, he can count on the full support of organized labor and union members in efforts to achieve "full employment, full production, and a balanced economy."

His support for repeal of Section 14(b) of the Taft-Hartley Act, of course, is a bitter pill for the so-called National Right to Work Committee to swallow. (See letters on subject on this Page and stories on Pages 3 and 5.)

**The J. P. Stevens Boycott***

More than any other company in American industry, J. P. Stevens is the symbol of anti-unionism, anti-unionism in American life. The entire labor movement, including the OPEU, has joined in an unrelenting nationwide boycott of J. P. Stevens products, as the only weapon left.

We urge all OPEU members when shopping for any textile products to make sure they do not purchase any of the brands listed above, and to inform the salesperson why.
Reasons Why Congress Should Repeal Section 4(b)

Current figures compiled by the AFL-CIO show once again the economic effects of the so-called "right-to-work" (for less) laws on the wages of working Americans.

The legislation, section 14(b) of the Taft-Hartley Act, forbids union workers and their employers freely to negotiate union shop clauses in their contracts.

As a result, unionized of those 50 states in which such laws are hampered by "free-riders" who take advantage of union negotiated wages and benefits while refusing, and white-collar fair share of the responsibility.

With weakened employee organizations, business and industry are relatively free to impose arbitrary concepts of fair wages and working conditions upon their employees.

Then, it's no accident that workers in those states earn less, and labor in less desirable circumstances than their counterparts elsewhere.

For the entire United States, the per capita personal income is $5,902 per year. In the "right-to-work" (for less) states that figure is $5,329. But in those states without this legislation, the per capita income is $6,145.

Further, the average weekly wage in "right-to-work" (for less) states is $727 per week while workers in the "free states" can expect an average of $195,97 — a difference of $531 per week for 52 weeks a year.

Workers in Ohio, a "free state," earn an average weekly pay of $766. Virginia, on the other hand, can expect an average weekly wage of only $156,641, a big difference.

Tropicaly, such differences are compounded with each year that passes under that regressive legislation. When Alabama passed its "right-to-work" (for less) law in 1951, it was $680 below the national average in per capita income. By 1975, it had fallen $1,258 below the average—a loss of $579 in relation to the national average.

North Carolina adopted similar legislation, and when the state was $457 below the average. In 1975, the state had dropped to $850 below the average—a loss of $393 per capita income.

The average weekly wage in North Carolina in 1975 was a measer $135.14.

Mississippi adopted such legislation in 1954 when average weekly earnings were $877 below the national average. Here again, states that have now fallen even further behind. In 1975, Mississippi was $850 below the average, a wage erosion of an additional $973.

The same dismal tale can be told of other "right-to-work" (for less) states. Nevada is the only RTW state that has consistently remained above the average per capita income.

Clearly, the time to repeal Section 14(b) by the new Congress has now come.

Finnish Labor Leader Visits OPEIU
Says 93% of His Nation's Bank Employees Are Unionized

Kari O. Virtanen, international secretary of the Finnish Confederation of Salaried Employees (Union). He is a recent distinguished visitor to OPEIU international headquarters where he was welcomed by President Harry Couchlin and Director of Organization Art Lewandowski.

Visiting in the U.S. under the State Department's exchange program to study white-collar unionism here, the 32-year-old Finnish labor official has written several books and now plans one on the world labor movement. Before visiting the OPEIU headquarters in Washington, D.C.

During an exchange of views with OPEIU officials on the problem of unionizing white-collar workers in this country, Mr. Virtanen expressed surprise that only about one third of U.S. workers belong to unions, lagging far behind the proportion in West Germany where Bank Employees 93% Unionized.

Although Finland has a population of only 4½ millions, 70% of the work force is unionized in the blue-collar categories with bank employees the most highly unionized of all salaried employees he disclosed, adding:

"We have 30,000 bank employees in Finland and more than 28,000 belong to the union. Although 70% of the bank employees are women and 93% are union members," he said. He was amazed to learn that of the 50,000 bank employees in the U.S. only a few thousand were unionized, although a revised pattern "eventually you'll succeed in unionizing them."

He explained that in Finland banking is divided into large national banks long to unions, newly hired bank employees present no difficulty. Banks must notify the union allowing for a probationary period so a union representative calls at the bank and meets with them in a private room provided at most banks.

The advantages of union membership are explained and then a question-and-answer period follows, so there's little difficulty encountered." Sometimes hard-shelled bankers don't provide a private room but in such cases he will visit a room nearby, he disclosed.

Women bank employees with children know that they might be laid off in low times but only through collective bargaining so they realize what unionism means. Finnish banks pay for their clerical centers and their staffs, he said.

Mr. Virtanen disclosed that unions deal in negotiations only with management and conditions but vacations, holidays, health-welfare and pensions are prescribed by national laws which the combined unions through their political power, have enacted.

He said that the average Finnish bank employee now earns about $125 per week although he noted prices here are about equal to those over there. On vacations, he said that the law requires all employers to pay an amount for each employee into a fund that will provide 60% of normal salary on retirement.

Finland's Pension System
There is also Social Security to supplement pensions but payments are rather small, he explained. However, for those in the higher salary brackets the Social Security payment, plus pension, enables a retiree to get from 75% to 80% of his normal earnings on retirement, and for those in the lower brackets, the Social Security law. Finnish labor movement is now pressing for a change in the law that will give lower incomes a pension equal to the weekly minimum wage, he added.

He disclosed that the health-welfare plan covers all workers for surgical hospital expenses, and each individual is required to pay only a small amount. Asked how large, he said: "If I had to be hospitalized when I return to Finland the entire cost to me would be only $1 a day." He disclosed that the health-welfare plan did not cover dental costs for adults, which are "very expensive," although there is "free dental care for all children under 18." He disclosed that a Finnish law enacted under union pressure now makes the teaching of a course on unionism compulsory in all educational schools, and there is a movement to make this course compulsory also in primary and secondary schools as a part of the educational system.

The Finnish labor official has traveled in all West European countries (except Albania), interviewing trade union leaders. His travels also have included Mexico, the U.S. and the U.S.S.R.

U.S. Supreme Court to Hear Case on Strike's Welfare

The U.S. Supreme Court has agreed to consider a case that raises the question of whether strikers are entitled to welfare benefits.

But the Justices didn't comment on what employers contend is the basic issue: Whether such tax-supported benefits for one side in a labor dispute violate the government's obligation to maintain neutrality under national labor policy.

The Justices will review a lower court decision that lowered court decision that invalidated a Maryland regulation denying welfare aid to children whose fathers are unemployed because of a strike, or other conduct or voluntarily quitting a job. The lower court also struck down a federal regulation that allows an employer to state the discretion to deny benefits in such cases.

But the court didn't say it will expedite case-handling procedures. Thus, the Justices could merely decide whether the federal regulation allow state discrimination and avoid any ruling in this case on the more political issue.

Harris Poll Shows Unions Enjoy Widest Public Esteem

A recent Harris nationwide survey shows a startling margin of 85-to-7 percent the public feels that "in many industries, Unions are needed so that management's demands and complaints of workers can be heard and action taken on them."

A near unanimous 96% of those polled believe Unions were started "because workers were being exploited by low wages, long hours and bad working conditions."

By a margin of 80-to-7 percent, the public feels "Unions are as much a part of our democratic system as private companies, consumers groups, farm groups, and other organized parts of American society."

By a 76-to-10 percent margin, the public feels "more unions in the U.S. have been good forces, working for such things as national health insurance, higher unemployment compensation, better Social Security, minimum wage laws and other desirable social needs."

By margins of better than 2-to-1, the public feels "employers would quickly move to exploit" them if no Unions were present, and "most Unions stand for helping less-privileged people get a better break."

The Harris Survey also revealed majority of the public have no knowledge about "many Union leaders" because of "abuse of their power," "cheating" "pointers and organized crime" (even though less than a fraction of one percent have ever been found guilty of such charges).

These feelings, no doubt, are nurtured by sensationalist news accounts any time some ranking official is accused of wrongdoing. This viewpoint always gets preferred treatment in the mass media.

Lucky Stores Unit Wins $6.10 Hourly Average

Wage boosts ranging from 35c to 73c an hour in the first year, with most receiving a 56c increase brought pay to $6.10 an hour, and 7% across-the-board in each following year, highlight a new three-year contract renegotiated by Oakland Local 29 for its 225-member clerical unit at Lucky Stores in San Leandro, Calif.

Business Representative Alice Bartley reports that a COLA providing an average 0.45 rise in the 1967 CPI for the San Francisco area is contained in the pact.

An 11th holiday (floating) was also gained, with a revised vacation schedule calling for one week of paid leave in the fourth year (was 10), five after 13 (was 15), and a sixth week after 20 years.

Employer pension contributions will go to 404 an hour in the first year (was 354), and 50c in 1978. The health-welfare plan was improved in the dental section. Shift differentials will increase by five cents per hour each year, rising to 50c total. Employees also

LNRB Chairman Moves To Speed Up Cases

LNRB Chairman Betty Southard Murphy has formally recommended that the Board adopt and promptly implement 51 Task Force recommendations made by the Chairman's Task Force to expedite case-handling procedures.

As of September 1976, there were 19,173 cases of all types pending disposition, compared with 17,996 at the end of last June.
Political Education

Equal Pay Under the Fair Labor Standards Act

Available from Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. The Equal Pay Act of 1963 amended the Fair Labor Standards Act to require that men and women performing equal work must receive equal pay. This pamphlet identifies the types of jobs to which the equal pay provisions apply and what action can be taken regarding the applicability of the equal pay standard.

Federal Labor Laws and Programs


Growth of Labor in the U.S.


Community Services and Consumer Information

Know Your Pension Plan

U.S. Department of Labor. Available from U.S. Government Printing Office, Washington, D.C. 20042. 34 pages. 55 cents each. This pamphlet gives an employer a copy of the pension plan. This pamphlet outlines where to find current information on pension plans.

Your Social Security

U.S. Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Md. 1971. 28 pages. Single copy free. This pamphlet is designed to answer most of the questions asked about social security benefits.

Concerning Federal Indebtedness

Public Documents Distribution Center, Pueblo, Colorado 81009. 14 pages. Single copy free. Listed in this index are more than 200 consumer publications issued by the federal government devoted to helping consumers select, use and care for products and services. This pamphlet is designed to answer most of the questions asked about social security benefits.

Information for Consumers

Everybody's Money, P.O. Box 431, Madison, Wisconsin 53701. 48 pages. 50 cents each. This guide provides information to help consumers decide where to use their money.

Equal Rights Amendment Ratified by Indiana State

Indiana has ratified the Equal Rights Amendment to the Constitution which it refused to do on two previous occasions. The amendment would ban discrimination by the Federal government, or any state or local government.

The 35th State to ratify the amendment requires approval by 38 states before it becomes part of the Constitution. Indiana's action signals a break in the long logjam over its adoption. Which states may next act on the amendment is not quite clear, according to Sheila Greenwald, executive director of ERAAmerica. The coalition of 120 groups supporting ratification.

Among the states in which action is expected in the first few months of this year are North and South Carolina, Florida, Nevada and possibly Missouri.

Misguided Class Action Suits

(Continued from Page 1)

laid off in an economic downturn; who returns to work when the economy rebounds. It must be remembered that this system does not provide a union holds a collective bargaining contract with an employer.

In other instances, roughly three out of four cases (75 percent of the work force in the United States is unorganized), lay-offs are considered by employers without regard whatsoever for seniority, age, sex or minorities.

Now we are faced with civil action suits by laid-off workers and women, or minority races who are, in effect, fighting the seniority system. They are contending that when they were laid off in 1971 they did not in prior years make a practice of hiring and minorities that the seniority system is, therefore, flawed.

We are not only supporting seniority in lay-off clauses but we also ask that the lay-off time during which a worker can be recalled be made indefinite. Suits attacking the seniority system are seeking to destroy the very fiber of organized labor and collective bargaining. Minorities and females will be among those principally affected.

Anti-union forces suffer severe setback in Florida

Anti-union drive in Florida by the National Right-to-Work (for Less) Committee has been stalled—temporarily. Joined by the Chamber of Commerce, state and county representatives, the "pay less" reactionaries failed in an attempt to strip public employees of their bargaining rights. They needed 215,000 petitions to place a constitutional amendment on the November ballot, but got only 60,000. They now plan to begin another petition drive aimed at getting the proposal considered in the 1978 election.

President Howard Coughlin and Sec-Treas. Bill Lowe represented the OPEIU as dele-
tives, which in Spanish, discuss food, gives an Office, Washington, on Consumer Know,

tation to these regulations.

During the debates on the claims put forward by FIEET's Banking Section it was pointed out that bank employees were now organizing themselves on a worldwide scale and for the first time to combat the international groups that had been set up by bank employers.

The first European Conference of Bank Employees was held in Zurich last year, and similar FIEET conferences of bank employees have been held in Asia, Africa, and South America.

Attention was drawn to the fact that cartel agreements between national banks, groupings of banks from different countries for business purposes, and the formal and informal understandings at banks internationally, were not fully understood by many members of bank unions.

Speakers said the task of FIEET was to prevent these secret agreements so that mem-

ber unions would know what they were up against when they were negotiating with an em-

ployer in one particular coun-

try. It was clear from comments made during the Congress that many employers were not happy about the fact that trade unions in the white-collar field were organizing on an international basis although the employers themselves had done this for many years.

With the expansion of multi-
national companies and interna-
tional banking it was recognized that the cooperation and ex-

change of information between similar unions in different coun-

tries would become increasingly important.

The British National Union of Bank Employees (NUBE) disclosed that it had a number of problems with foreign and overseas banks in the City of London, particularly the giant American banks which are the most anti-union of all.

If you move, send your old and

Canadian

Price Index

U.S. Price Index

U.S. Bureau of Labor Statistics

New Base 1967=100

January 1975

February 1975

March 1975

April 1975

May 1975

June 1975

July 1975

August 1975

September 1975

October 1975

November 1975

December 1975

146.9

146.2

145.9

145.7

145.6

145.5

145.4

145.3

145.1

144.9

144.7

144.5

144.3

Index

Statistics Canada

New Base 1971=100

January 1975

February 1975

March 1975

April 1975

May 1975

June 1975

July 1975

August 1975

September 1975

October 1975

November 1975

December 1975

144.3

144.1

144.0

143.7

143.6

143.4

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142.9

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142.3

Price Index

Statistics Canada

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