

LABOR RELATIONS
DEVELOPMENT, STRUCTURE, PROCESS

JOHN A. FOSSUM

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Development, Structure, Process

Revised Edition

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Preface

Each author has a specific purpose in mind when writing a text. Since my students are primarily majoring in business administration, they are concerned with labor relations as one of the functional areas that involves business. They are interested in how labor unions operate, how businesses become involved with labor unions, and how the negotiation and contract administration process operates. In teaching business administration students, I have found a good deal of ignorance and prejudice when it comes to understanding the goals, purposes, and history of organized labor within America. Thus, my primary audience is students who have a moderately sound grounding in business courses, but who, for whatever reasons, have not been exposed to a balanced perspective on labor relations.

The study of labor relations enjoyed major efforts from the 1930s through the 1950s. Since then, until recently, research on labor relations issues suffered. With the advent of significant union activity in the public sector, and the emerging new problems encountered in that area, research has burgeoned. With this reemergence has come an increased emphasis on empirical research with a behavioral perspective, as contrasted with earlier institutional approaches. This approach has also led to the development of integrative theories of labor relations as pioneered by Richard Walton and Robert McKersie's *Behavioral Theory of Labor Negotiations*. I hope that this text reflects a synthesis of some of the best efforts of both the institutional and behavioral research products.

Although recent research will be integrated into the text, one should recognize that labor relations rest on a foundation of two centuries of development in the United States. The understanding of the foundation is necessary to see why the edifice exists as it does in its present form. We also must note that law has played an important part in labor relations in the United States. Interpretations by the various courts and the National Labor Relations Board have lent the specifics, but public policy

reflects the mood of the electorate, and the electorate has generally favored collective bargaining.

I hope that you will see in this book a balanced approach—balanced from a labor or management viewpoint and balanced from a behavioral or institutional orientation. In the development of my approach, I am indebted to many institutions and individuals—primarily to the many professors in the Industrial Relations Center of the University of Minnesota and the School of Labor and Industrial Relations of Michigan State University who provided information and perspectives that have influenced my thinking on the subject. I am also indebted to my colleagues at the University of Michigan, who have stimulated my thinking on these subjects.

Specific acknowledgments also are necessary to credit those who have assisted me with this book. The thorough reviews and helpful comments of Hoyt Wheeler of the University of South Carolina and I. B. Helburn of the University of Texas significantly assisted the preparation of the first edition. In preparing for the second edition suggestions from Jim Chelius of Purdue University, Sahab Dayal of Central Michigan University, and George Munchus of the University of Alabama at Birmingham helped in changing emphases and reorganization. JoAnn Sokkar, Mabel Webb, and Phyllis Hutchings—librarians in the Industrial Relations Reference Room in the Business School at the University of Michigan—greatly aided my preparation by notifying me of new material and retrieving items I should have been able to find. Finally, my family has provided both support and perspective. Andy and Jean had to forego weekends they deserved and had to attempt to explain that their father was actually working while he was staring at some type on the screen of a word-processing computer. My wife, Alta, continued to manage the whole effort and included support, appropriate criticism, and a sense of balance.

John A. Fossum

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1

Introduction

At some time during your life, it is highly probable that you have been employed, either part-time or full-time. It is also probable that you have not been a union member. It is unlikely that most of this book's readers expect to be union members in the jobs they will take in the future. Many may be in contact with unionized employees, some will find their own jobs impacted positively or negatively by union actions, and others will be involved with unions on a day-to-day basis as line managers or labor relations specialists.

Given that most readers understand more about management goals and objectives than those of the union, the book will devote more space to an understanding of union roles in the development of collective bargaining than those of management. Unlike other subjects you have studied, it is likely that you have formed certain positive or negative attitudes about labor organizations. These may be challenged as you read this text.

Most of us become acquainted with labor organizations through the news media. Media attention is usually focused on either national issues or spectacular events that occur. We cannot fault them for this—excitement is what draws viewers or sells newspapers, but it does not reflect the essence of day-to-day labor relations in the United States. Rather than the relationship being a continually contentious one, we will find that both parties have learned to accommodate themselves to each other quite well, with overt disagreement reflected in strikes, lockouts, and injunctions occurring relatively infrequently. The parties in collective bargaining recognize that any of these can occur, but both generally seek to minimize the necessity for shows of strength to resolve differences.

PLAN OF THE BOOK

Our title, *Labor Relations: Development, Structure, Process*, was not haphazardly chosen. It is obvious from the first part of the title that we are dealing with the employment relationship in unionized settings. But it may not be as obvious why we have included the other three descriptive words following the main title.

Development

The labor movement, as it is presently operating, results from a variety of historical situations in which strategic choices have been made. Some of these choices led to success while others failed. Leaders and members of labor organizations learned which approaches resulted in attaining goals, and these have been incorporated into the present way unions operate.

As we examine the development of the labor movement, we want to understand what conditions are necessary for employees to form unions. We need to know what impact public opinion has on both the ability to form unions and their operation after they have been launched. We need to understand the forces that have led to the particular manner in which labor unions in the United States operate.

Other areas of interest concern the reactions of employers to unions. Where did unionization begin? What industrial sectors have encountered the greatest impacts from unions? How have the parties adapted to each other over the long run? What are the present stances toward unions, and where are the greatest changes taking place?

Chapters 2, 3, and 4 address development issues. In these we will trace the historical evolution of American labor. Although union activity has occurred throughout the history of the country, effective labor organizations are only about 100 years old. It will become clear as you proceed through these chapters that the law has played a very important part in the development of collective bargaining. Without legislation to protect employees in forming unions and engaging in collective bargaining, growth among lower-skilled employees was slow. Thus, the development chapters trace historical changes and detail the statutes under which collective bargaining is conducted in the United States.

Structure

In our examination of union structure, we are primarily concerned with the offices and institutions that either make up the labor movement or have major impacts on it. In this regard, the last part of Chapter 4 explores the institutions within the federal government that are involved in regulating collective bargaining and the employment relationship.

Chapter 5 examines the levels of union government found and the location of the power centers within the movement. Examples of the organization of several national unions will be covered, and explanations of the roles played by union officers will be offered.

Process

The greatest emphasis in this text is in the process area. Here we will be concerned with the methods used in organizing employees into unions, identifying the issues of importance in bargaining, explaining the organization and process involved in negotiations, and detailing how labor and management deal with differences that occur during bargaining and after a contract has been signed. These areas will be covered in Chapters 6 through 14.

Special Chapters

The last four chapters of the book involve special areas that cut across *development*, *structure*, and *process* areas. The first two, Chapters 15 and 16, involve collective bargaining within two industries where the rules are somewhat different: the public sector and private health care organizations. Chapter 17 examines the impact of equal employment opportunity laws, regulations, and decisions on the collective bargaining relationship. Finally, Chapter 18 briefly examines the immediate future of the labor movement given recent trends, the professed goals of labor and management, and recent changes in individual collective bargaining relationships.

WHY WORKERS UNIONIZE

Less than 20 percent of the U.S. labor force belongs to unions. Large differences exist in the proportions of employees who are organized across occupations and industries. Further, the points in American history at which occupations and industries began to be organized vary substantially.

Specific instances involving the creation of unions and the tenacious struggle some employee groups made to secure collective bargaining will be examined in Chapters 2 and 3. In Chapter 6 the conduct of union organizing campaigns will be studied. And in Chapters 7 and 8 the specific demands unions make of employers will be considered. All of these are part of the general involvement in workers' attempts to collectivize. From an overall standpoint, we are concerned here with why workers join unions and what they expect unions to accomplish for them that they have been unable to achieve singly.

The Catalyst for Organization

In the past there has been little direct information available about the effects of employee attitudes and behaviors on union organizing campaigns. Most of the judgments made were inferred from attitudes of employees in general or of union members who were not involved in organizing campaigns at the time they were questioned. Three recent studies, however, indicate that employee dissatisfaction is significantly related to both union activity and actual voting for union representation when and if elections are held.¹ Not only do employees vote for unions more often as their dissatisfaction increases, but they also are more likely to be employed in units where significant organizing activity takes place, even if that activity does not ultimately result in an election. It is also clear from the evidence available that individuals are most influenced in voting by so-called bread and butter issues, rather than job task characteristics. Results from the Hamner and Smith study found that attitudes predicting organizing activity centered around supervision, co-worker friction, amount of work required, career future, feelings about the company, physical surroundings, and kind of work. Brett noted that dissatisfaction with job security, economics, and supervisory practices were most predictive of a pronoun vote in elections.² Her findings are shown in Table 1-1.

TABLE 1-1
Correlation between Job Satisfaction and Voting
for Union Representation

Issue	Correlation with Vote for Union
Are you satisfied with the job security at this company?	-.42
Are you satisfied with your wages?	-.40
Taking everything into consideration, are you satisfied with this company as a place to work?	-.36
Do supervisors in this company treat all employees alike?	-.34
Are you satisfied with your fringe benefits?	-.31
Do your supervisors show appreciation when you do a good job?	-.30
Do you think there is a good chance for you to get promoted in this company?	-.30
Are you satisfied with the type of work you are doing?	-.14

Source: Adapted from Jeanne M. Brett, "Why Employees Want Unions," Reprinted, by permission of the publisher, from *Organizational Dynamics*, Spring 1980, p. 51. © 1980 by AMACON, a division of American Management Associations. All rights reserved.

¹ Julius G. Getman, Stephen B. Goldberg, and Jeanne B. Herman, *Union Representation Elections: Law and Reality* (New York: Russell Sage Foundation, 1976); W. Clay Hamner and Frank J. Smith, "Work Attitudes as Predictors of Unionization Activity," *Journal of Applied Psychology*, August 1978, pp. 415-21; and Chester A. Schreisheim, "Job Satisfaction, Attitudes Toward Unions, and Voting in a Union Representation Election," *Journal of Applied Psychology*, October 1978, pp. 548-52.

² Jeanne M. Brett, "Why Employees Want Unions," *Organizational Dynamics*, Spring 1980, pp. 47-59.

Brett argued that dissatisfaction alone does not automatically mean that a union organizing campaign will result or that the election will be successful for the union. Two conditions would have to exist to predict a union win. First, individuals would have to be dissatisfied and perceive they were without the ability to influence a change in the conditions causing dissatisfaction. Second, a large enough coalition of employees would have to believe that it could improve conditions through collective action and that the benefits of this action would outweigh the costs.³

The Decision to Join

A short, comprehensive statement describing the individual's evaluation process regarding union membership was written several years ago by Bakke:

The worker reacts favorably to union membership in proportion to the strength of his belief that this step will reduce his frustrations and anxieties and will further his opportunities relevant to the achievement of his standards of successful living. He reacts unfavorably in proportion to the strength of his belief that this step will increase his frustrations and anxieties and will reduce his opportunities relevant to the achievement of such standards.⁴

Each person involved in an election must decide whether or not unionization is in his or her best interest. The person assesses what the likely outcomes of unionization are, whether each of these outcomes is positive or negative, and the likelihood that his or her working for or voting for a union will lead to the positive or negative outcomes. Initially, an individual might examine the present job situation and also consider the types of outcomes preferred from holding that job. For perceived negative outcomes, individuals may weigh actions such as convincing supervisors to behave differently, doing nothing, or organizing to change the situation. Given one's experience with the efficacy of a particular action, it will be pursued or abandoned. Figure 1-1 outlines a motivational model that follows this approach.⁵

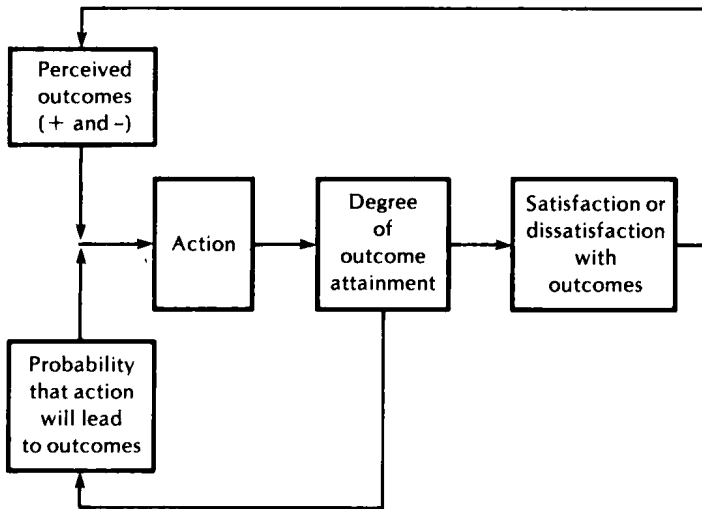
A hypothetical belief system for two employees in a situation where organizing is being considered is depicted in Figure 1-2. The figure suggests that each employee individually evaluates the outcomes likely from organization. The same set is specified for both in the example, but there is no reason why they should overlap, especially if there are major

³ Ibid., pp. 48-49.

⁴ E. Wight Bakke, "Why Workers Join Unions," *Personnel*, July 1945, p. 2.

⁵ This is a variant on the expectancy model of motivation. For further information see Victor H. Vroom, *Work and Motivation* (New York: John Wiley & Sons, 1964); Lyman W. Porter and Edward E. Lawler, III, *Managerial Attitudes and Performance* (Homewood, Ill.: Irwin-Dorsey, 1968); and Edward E. Lawler, III, *Motivation in Work Organizations* (Monterey, Calif.: Brooks/Cole, 1973).

FIGURE 1-1
A Motivation Model



individual differences between persons. If you look at the outcomes and their valuations, you see differences between the two individuals. *A* positively values a union leadership position, while *B* apparently attaches no positive or negative value to it. Other differences also exist, such as in preferences for individual treatment.

The next explanatory component links the outcomes with the result of an action—in this case, success or failure in organizing. For individual *A*, success in organizing is associated with six positive and two negative outcomes. Failure to organize leads to one positive, one negative, and two neutral items. If individual *A* believes that taking action will increase the likelihood of unionization, we would expect efforts to do so since the greater net balance of positive outcomes is seen as following from a union. Individual *B*, on the other hand, expects four positives and three negatives from a union, and four positives and a neutral from no union. We would predict *B* would oppose the union.

You can also see from this diagram that some consequences or outcomes could follow directly from the action taken rather than the result of the action. For example, if a large proportion of fellow workers favors the union, work against the union (whether successful or not in preventing unionization) will probably have a direct effect on having friendly co-workers.

Another thing to consider here is the degree to which one expects that an action taken will lead to a result. For example, if individual *A* thinks that neither working for nor against the union will affect the organizing campaign outcomes, then we would expect no effort. Why? It is easier. On the other hand if individual *A* thinks that an effort is necessary for organization, we would predict effort from *A*.

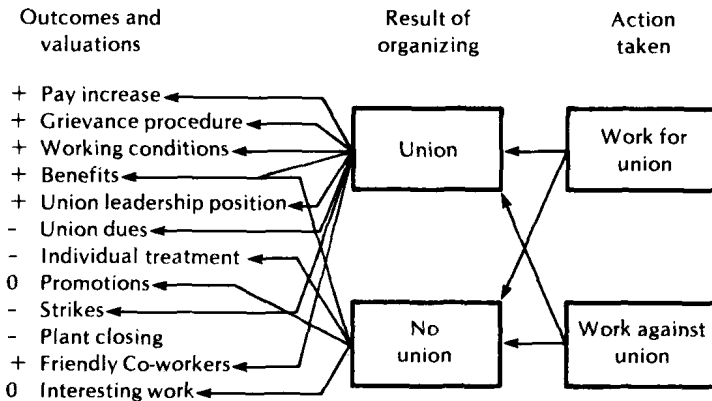
You might say that this model makes it very difficult to predict what

people in a group will do. That is the case if they are extremely diverse in their backgrounds or if they have widely differing beliefs as to what actions will lead to results or what outcomes will follow from results. But we might expect a number of things to reduce this diversity.

People see other avenues besides union membership to attain valued outcomes from employment. For example, if promotions and interesting work were highly valued and these were unattainable on the jobs considered for unionization, many of the employees desiring these would probably have left. Also, those things that have been achievable positive job outcomes in the past would have become increasingly important to the employees. Thus, union attempts may begin because management withholds rewards or changes the system so that rewards are different from what people in the jobs value.

The degree to which unionization is seen as leading to the attainment of positive outcomes and the avoidance of negative outcomes may also be changed through campaign attempts. Both labor and management attempt to direct employees toward a stronger belief that the results

FIGURE 1-2
Beliefs about Organizing
Individual A



Individual B

