Narrator: In this presentation, we will discuss union structure, membership, and organizing.

Slide Title: Union Structure, Membership, and Organizing

Slide Content:

- Railway Labor Act (1926)
- Norris-Laguardia Act (1932)
- Wagner Act (1935)
- Taft-Hartley Act (1947)
- Landrum-Griffin Act (1959)

Narrator: Statutory employment laws result from the interaction of the positions of a variety of interest groups in society. Current laws governing organizing and collective bargaining date back to 1926 when the Railway Labor Act was enacted. Other significant pieces of legislation have followed since then: Norris-Laguardia in 1932; the Wagner Act in 1935; the Taft-Hartley Act of 1947, and the Landrum-Griffin Act of 1959.

The regulatory response of government has moved from a focus on regulation of process to one of defining minimal substantive standards over time. Not to be forgotten is the legislation that governs the relationship between employees and employers who are not otherwise engaged in collective bargaining. The Fair Labor and Standards Act of 1938 remains as effective today as the day it was written and managers should be cognizant of the provisions of the FLSA while analyzing the foundation of relationships for collective bargaining.

Slide Title: Railway Labor Act (1926)

Slide Content:

- Applies to rail and air carriers
- Created the National Mediation Board (NMB)

[Image of a FedEx airplane]
**Narrator:** The Railway Labor Act (or RLA) applies to rail and air carriers regarding their non-managerial employees. Individuals in such industries are covered whether they are personally involved in moving passengers or freight. Airline pilots, cabin attendants, mechanics, reservation agents, and baggage handlers among others are covered under the RLA, and so are not eligible to establish representation under the National Labor Relations Act (the NLRA) established by Wagner in 1935 and modified by Taft-Hartley in 1947.

Some fundamental procedural differences within the RLA may encourage organizations to define their fundamental operations so as to take advantage of a variety of provisions under one Act versus another. For example, FedEx was defined as primarily an air transport of shipped goods and thus collective labor agreements are organized under provisions of the RLA. Conversely, United Parcel Service (or UPS) defined organizational operations as a ground transport company and so remain governed by the NLRA.

The RLA, like the NLRA, requires negotiation of labor agreements to mandatory terms such as wages, hours, and conditions of employment. However, any negotiations under the RLA must contain a grievance procedure incorporated into the agreement. Additionally, under the RLA, a contract for labor remains in effect even after its stated amendment date until a new agreement has been reached. Before a contract can be amended under the RLA, notice must be given 30 days before the changes are intended to take effect; wherein no unilateral changes may be imposed by management, nor strikes by labor, unless the National Mediation Board, or NMB as created by the RLA, has declared an impasse between the parties on the issue. Finally, under the RLA, if the president believes that a work stoppage would substantially disrupt interstate commerce, a special meeting of the NMB may be called to intercede to avoid a strike for at least 30 days after the Board has reported back to the president the nature of the issues in contention.

**Slide 4**

**Slide Title:** Norris-LaGuardia Act (1932)

**Slide Content:**

*Image from the inside of a courtroom*

**Narrator:** The Norris-LaGuardia Act of 1932 was the legislative response to improper use of the injunction to stop concerted activities by the judiciary. No longer could federal courts enjoin the conduct of organized labor, except where a substantial injury to property could be shown. Additionally, the Act outlawed the use of yellow-dog employment contracts where an employee agrees that continued employment depends on abstention from union membership or activities.
The Wagner Act of 1935, known as the National Labor Relations Act (NLRA), and the Taft-Hartley amendments of 1947 are the primary source of legislation governing collective bargaining and labor relations in the United States. The NLRA guarantees employees the right to organize and bargain collectively for the terms and conditions of employment. The National Labor Relations Board was established to provide investigation and oversight to all claims of unfair labor practices by employers; however, their power is limited to merely making the employee whole rather than any punitive liabilities.

Under the NLRA employers are prevented from interfering with employees engaged in organizing, bargaining collectively, and participating in union activities. The employer may not assist or dominate a labor organization, nor show preference to one labor organization over another. Employers may not discriminate in any way based on union membership, except that where a state selects, the union shop may be allowed, in which all newly hired employees may be required to join the union upon completing their probationary period.

Union activity restrictions
**Narrator:** The NLRA also incorporates restrictions on union activities under the Taft-Hartley amendment. Unions cannot demand an employer take action against an employee for any reason except failure to pay union dues in a union-shop state. Unions are precluded from encouraging employee strikes where the goal is to force an employer to recognize an uncertified labor organization or cease bargaining with one who is certified. Unions cannot force an employer to pay for services not provided—also known as sweetheart deals. Neither can unions use their power of collective labor to infringe upon the rights of management to engage in otherwise proper business as to do so would be a restraint of trade.

**Slide 8**

**Slide Title:** NLRA

**Slide Content:**

- Union membership

**Narrator:** Some states elected to issue legislation precluding any mandatory union membership as a condition of employment—also known as right to work laws. In states where employees enjoy the right to work, the union shop requirements to join in union membership after the probationary period cannot be enforced, and union activity cannot be made a condition of employment at any level.

**Slide 9**

**Slide Title:** NLRA

**Slide Content:**

- Corrupt union practices

**Narrator:** The NLRA and the provisions covering collective bargaining and unfair labor practices only govern the relationship between the union member and management. Until the Landrum-Griffin Act in 1959, no regulations governed the relationship between the union member and their union. Corrupt union practices, exemplified by Jimmy Hoffa and the Teamsters, sought to overshadow membership rights through exorbitant union dues and denial of individual voice in the union governance. Landrum-Griffin established the bill of rights for union members and required mandatory disclosure of union financial activities.

**Slide 10**

**Slide Title:** NLRA
Narrator: Many other laws have been enacted over the years having an impact to a lesser extent on the relationship between management and organized labor. Likewise, several government agencies have been established to intercede on behalf of employees in this corporatist environment through independent legislation. Ultimately, the NLRB is challenged to adjudicate most claims of labor dispute, despite the lack of timely process. The hierarchy structure of organized labor may be the best preventative measure for unions to accomplish their goals.

Slide 11

Slide Title: Union Structure and Membership

Slide Content:

No content

Narrator: Organized labor in the US has essentially a three-tiered structure: local, national, and AFL-CIO. The power is concentrated at the national (or international) union level.

Slide 12

Slide Title: Union Structure and Membership

Slide Content:

• Local unions

Narrator: The local union may be the employee’s direct representative, but the level of participation and interest in the internal affairs of the local is generally low. It appears that in most cases, workers regard the local union as their agent for handling their employment-related affairs, but that they are content to allow those who are particularly interested to control the local's internal politics.

Slide 13

Slide Title: Union Structure and Membership

Slide Content:

• National and international unions
Narrator: National and international unions have both “line” departments that focus on the requirements of particular constituencies, (i.e., the employee members of certain major firms or industries) and “staff” departments that focus on organizational processes of broader application (e.g., organizing, research, governmental relations, etc.).

Slide 14

Slide Title: Union Structure and Membership

Slide Content:
- Union constitutions

Narrator: While unions do not typically have anything that approaches an organized “two-party system,” they are generally democratic and responsive to constituency interests. The constitutions of most major unions as well as the bargaining agreements they negotiate typically have provisions which protect safeguards for democratic initiatives and a reasonable opportunity to voice disagreement with current policies.

Slide 15

Slide Title: Union Structure and Membership

Slide Content:
- Employee dual commitment

Narrator: Union attention to the process of socializing new members leads to higher participation and stronger commitment. Evidence suggests that workers can be simultaneously committed both to their employers and to the union which represents them. The author, Fossum, implies that especially for stewards, this dual commitment is correlated with effective roles in the labor-management relationship.

Slide 16

Slide Title: Union Structure and Membership

Slide Content:
- Makeup of union membership

Narrator: Participation rates for women and minorities in union activities in recent years have been equal to that of males and of nonminority workers. Such individuals are less likely to occupy leadership positions in their unions, however.
While Fossum does not relate the participation rates of women and minority members to any other basis than proportion of overall membership, women and minority employees have historically been less receptive to affiliating with a union in the first place.

The national union is the level at which political activity by unions is greatest. A majority of candidates elected to Congress since 1980 have enjoyed formal AFL-CIO COPE endorsements.

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End of presentation