

LABOR HISTORY OUTLINE

I. ANCIENT HISTORY

- 1741 A. “Benevolent societies” to help each other in case of serious illness, debt, and/or death. But these were not labor organizations in the sense we know them now.
- 1791 B. Local Craft Unions – Certain crafts, e.g. carpenters, printers, shoemakers, etc. formed local unions in Philadelphia, Boston and New York. Their main function was to resist wage reductions. But they also began bargaining with employers, achieving a form of “closed shops” and sending out “business agents” to administer the agreements.
- 1805 C. The first recorded Strike Fund was created in 1805 by the shoemakers of New York.
- 1809 D. First recorded multi-employer strike while these same shoemakers struck other employers who had come to the aid of the primary employer.
- E. At around this time period these employers began hiring scabs, and seeking judicial injunctions, which were granted on the ground that the union was a “conspiracy in restraint of trade”.
- F. Political Activity –
In the early part of the 19th century, unions began engaging in political activity. The issues about which the unions sought legislation included the 10-hour day, child labor, abolition of convict labor competition, free and equal public education, as well as the abolition of property qualification on the right to vote, and of home and factory “sweat shops.” Obviously, many of these issues ultimately became law.
- G. National Unions –
- 1861-65 The Civil War years were a period of great growth of trade unions. In 1863 there were approximately 80 unions in the Northern States. By the end of 1864, that number was close to 300. In addition, many of these unions joined one of the 15 national unions that developed.
- 1865- H. The years following the Civil War were characterized by intense union organizing, including a great deal of violence. This turbulence seemed to fuel the nationwide recognition of the significance of the movement. Nevertheless, the unions were still comprised solely of skilled workers. It was not until the 1930s that semi-skilled and unskilled workers were organized.
- 1869-86 I. The national union known as the Knights of Labor was formed in 1869. During this period many local unions joined and by 1886 the K of L had over 700,000 members.
- Also in 1869, the American Federation of Labor was formed by a number of local unions which were part of the K of L, but had become disenchanted by internal conflicts within the K of L. Samuel Gompers of the cigarmakers union was elected President. It was he, of course, who, when asked what labor wants, answered “more.”

1886-1917 J. Membership Growth During World War I –

During this period, membership in trade unions grew to over 2 million. In addition, other national unions formed including the radical IWW (Industrial Workers of the World), better known as the “Wobblies.” The movement continued to grow, and with it, more and more CBAs were negotiated directly with employers. In addition, a number of states passed laws regulating the employment of women and children, and providing protection against industrial hazards.

1913 K. By this time, the labor movements had reached a level of prominence such that the US Congress created a new cabinet post, the Department of Labor.

1915 K. By 1915, union membership had grown to over 5 million. As a result, the average hourly wage, which had been \$.15 in 1890, rose to \$.52 by 1923, and the average weekly hours of work went from 60 in 1890 to 46 by 1923.

II. Post-World War I –

A. Many laws protecting labor during the war were withdrawn as soon as the war ended. This withdrawal emboldened employers to refuse to continue to recognize the unions which had been representing their employees. In turn the unions became more aggressive.

B. The “Open Shop” Era –

The success of employers in persuading courts to issue injunctions resulted in failed strikes and declining wages, which resulted in declining membership. Historians have recorded that this period was known as the “Open Shop Era” because unions were unable to achieve union security provisions.

Indeed, “yellow dog” contracts in which, as a condition of employment, an employee had to promise that he/she would not join unions. Employers used scabs and spies effectively, and company unions sprang up.

1926 C. New Labor Laws –

1. Out of all of this turbulence, a number of important laws were passed, some of which were precursors of the NLRA. The first of these was the Railway Labor Act. That statute, while applying only to railroad employees, reflected a number of new government policies which favored unions. The policy of this statute became the basis for the stated policy of the NLRA, i.e. that free collective bargaining was the best way to achieve peaceful labor-management relations.

1931 2. The Davis-Bacon Act, although not strictly a labor-management relation measure, nevertheless, did require that the prevailing rate of pay (usually the average union rates) had to be paid to workers engaged in the construction of public works built with Federal funds.

1932 3. Norris-LaGuardia Act – Limited the jurisdiction of courts, state or federal, to issue injunctions against peaceful strikes, picketing, and boycotts. It also outlawed “yellow dog” contracts.

- 1933 4. In 1933, Congress passed President Roosevelt's National Industrial Recovery Act (NIRA). Included were guarantees of the right of employees to organize and join unions of their own choosing, and to bargain collectively with their employers.
- 1935 5. Although in 1935, the Act was invalidated by the US Supreme Court, many of its provisions became part of the Wagner Act, passed as the National Labor Relations Act of 1935 ("the Act").

III. The National Labor Relations Act –

A. Salient provisions included:

1. Guaranteed right of employees to organize and/or join unions of their own choosing.
2. Provided a procedure, mostly by secret ballot voting, for unions to be "certified" as the sole and exclusive representative of all employees in an appropriate bargaining unit. This certification required the employer to bargain with the certified union and to bargain in good faith.
3. Set forth a number of employer unfair labor practices, including failure to bargain in good faith, banned discrimination of employees based upon their union activity, prohibited employer-dominated unions, protected workers who testified for the union in an NLRB hearing, and, very importantly, established the National Labor Relations Board to administer the statute.

1947 Taft-Hartley Amendments –

A. The great employer opposition to the Act, which they claimed was the cause of great labor unrest, resulting in many strikes, caused Senator Taft and Congressman Hartley to propose a number of amendments to the NLRA, designed to "equalize the balance of power" between unions and employers.

B. Salient Provisions –

1. Closed shop outlawed
2. Added a list of union unfair labor practices, including the union's obligation to bargain in good faith, prohibition of secondary boycotts, limitations on picketing for recognition and prohibition of "hot cargo" clauses in CBAs which require the employer to do business only with other union employers.
3. Section 14(b) permits individual states to either allow or disallow union security clauses ("Right to Work" states)
4. An 80-day "cooling off" period which could be called by the President in situations which threatened the welfare of the nation.
5. Took the FMCS, which was part of the DOL jurisdiction and made it an independent federal agency.

1959 The Labor-Management Reporting and Disclosure Act (Landrum-Griffin)

A. Provisions

- 1) Title I Bill of Rights of Union Members
- 2) Including rights of participation in union affairs, protection from unwarranted financial burdens, right to testify, to be informed of union agreements, and a fair hearing in disciplinary actions.
- 3) Titles II-VI – Reporting requirements of unions and employers, Union Trusteeship rules, standards for Union elections (Title IV)

4) Title VII, elimination of “no man’s land” in Federal-State jurisdictions, permitted voting by economic strikers, outlawed secondary boycotts, limited “hot cargo” clauses and regulated recognitional picketing.