

***Shall
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Under the Railway Labor Act as it now stands, railroad labor unions are protected in their right to organize railroad workers without interference from railroad companies; railroad men are protected in their right to join any union for which they are eligible, or not to join if they do not choose to do so; railroad companies are prohibited both from trying to influence men against joining a union and also from requiring union membership as the condition of holding a job; and railroad companies are forbidden to deduct union dues, fees and assessments from an employee's wages.

Insofar as the law is concerned, the relationship between railway labor unions and their members is one of free and voluntary association, without legal power of coercion by either the unions or the companies. Under this system of voluntary membership there certainly has been no lack of growth on the part of railway labor unions, either in membership or in financial strength.

But now leaders of certain of the railroad labor unions want to abandon this system of voluntary membership and substitute for it a system of membership by compulsion.

As a first step to that end, these organizations are pressing for passage by Congress of a bill—H.R. 7789 in the House of Representatives and S. 3295 in the Senate—which would "permit" rail-

roads to enter into contracts with unions by which workers, regardless of their own wishes in the matter, would be compelled to become union members to hold their jobs, and which would also "permit" companies to take union dues, fees and assessments out of the employee's pay and turn them over to the union.

In terms and on the surface of the proposed statute, agreements for compulsory union membership and involuntary assignment of wages would be the result of negotiation between unions and railroads. In actuality, judging from recent experience, such compulsory membership and check-off contracts would be imposed both upon the carriers and upon the minority of employees through pressure of strike threats or of strikes.

Such contracts would bring to the ordinary railroad man no benefit which he does not now enjoy. But union leaders, fortified by such contracts, would in large measure cease to be responsible to their memberships. They would be placed in positions of power almost wholly free of the salutary restraints of a voluntary membership system.

Passage of H.R. 7789 or S. 3295 removing the present prohibitions of the law against such contracts would be the first step toward the establishment of a system of membership by compulsion and coercion.

WHO COULD WORK

Under the present law, the organization designated to represent the workers of a craft or class is required to represent all employed in that craft or class without discrimination as between members and non-members. Under the proposed law, the union would have the right to enter into a contract with the railroad requiring that all members of the craft or class become members to hold

their jobs. The only exception is that membership would not be required of those whom the union will not accept as members because of membership in any other labor organization or will accept only upon terms and conditions which are not generally applicable to any other member.

Membership in railroad labor unions has heretofore been a matter of voluntary action on both sides. It is now proposed to make such membership compulsory on the part of the individual. There is no accompanying proposal, however, to deprive the organizations of the privilege they now have under their constitution of excluding those whom they wish to exclude and expelling those whom they wish to expel. If the organizations are successful in securing passage of the pending legislation, and in securing the compulsory membership contracts which they would press upon the railroads, those in control would be able—if they chose to do so—to say who shall work on the railroads.

Thus, in more than one union membership may be denied if as few as three black balls are cast against an applicant. In other organizations, a larger number of negative votes is required to bar an applicant from membership, but even here a minority can keep a man from membership—and, if the situation sought to be created by the passage of H.R. 7789 and S. 3295 should come about, to keep him out of a job as well.

NEW WAYS TO LOSE A JOB

The right to keep a job as well as the right to get one would be largely in the hands of the union organizations under the proposed system of compulsory membership. To stay on the payroll railroad workers would have to keep in good standing in the union. Under the constitutions of various of the unions, however, they might be

deprived of membership for such vague and ill-defined offenses as violating the principles of the union, or bringing its internal affairs before the public, or belonging to a rival union, or bringing suit to try out the rights of a member.

With such broad and loose grounds for expulsion, it is obvious that the opportunity would exist—even if it were not used—to discipline members who were not in accord with the leadership of the union. And if this discipline should take the form of expulsion, the worker expelled would lose not only his membership but also his livelihood and his seniority.

INCREASING LABOR TURMOIL

In attempted justification of such a system it is represented that compulsory union membership and involuntary assignment of wages to pay union dues would make for labor peace on the railroads.

Even if such a system were a step toward labor peace, it would be at an unjustly high price in the loss of freedom on the part of railroad workers.

But such contracts with carriers would not contribute to labor peace on the railroads. They would be more likely to intensify the already intensely competitive struggle among the various unions for the right to represent employees of different crafts and classes on each railroad—for, under the sort of contracts which the pending bills would make lawful, winning such representation would carry with it the chance to impose compulsory membership upon all workers concerned.

More than twenty labor organizations are established on American railroads. In many instances, an employee may be eligible for membership in more than one union. A man in engine service, for example, may belong to either of two unions. The same is true in road train service, while in

yard service some men are eligible for membership in any one of three organizations.

Despite this situation, which results in a certain amount of shifting of memberships as men exercise their freedom of choice in such matters, the railroad industry has been comparatively free of the curse of jurisdictional disputes.

But if the right of representation should carry with it the power to compel membership in the designated union, the competition for power and position would no longer be a matter of seeking individual memberships on a voluntary basis. It would tend to assume the form of massive organized campaigns for election as the designated representatives of various crafts or classes of employees on each particular railroad.

Rather than promoting peace—even the uneasy peace of unwilling and coerced membership—a law permitting compulsory union membership would more likely lead to increased turmoil and dissension.

FREE CHOICE OR COERCION

There are numerous practical difficulties in the way of abandoning the voluntary system of railroad union memberships and substituting a system of compulsion.

Under most existing railroad labor contracts, employees are entitled to assignment to jobs according to length of service, so long as the employee is capable of performing the duties of the assignment to which his seniority entitles him. But if contracts of the sort contemplated in S. 3295 and H.R. 7789 should be entered into, no amount of competence in his work and seniority in his service would enable him to keep his job if he did not remain a union member in good standing.

In some states there are laws providing that no person shall be denied employment on account of membership or non-membership in a labor union. Such statutes have been upheld by the Supreme Court of the United States, but the pending bills provide that the compulsory union membership contracts which they authorize shall override state laws to the contrary.

There are also state laws against assignment of wages. The check-off system of collecting dues and assessments which amounts, in effect, to an involuntary assignment of wages would override such state laws. In addition, the check-off would impose on the railroads heavy additional accounting expense, together with potential liability for mistakes or failure to make deduction in the correct amounts.

Compulsory membership contracts, moreover, would put upon the railroads the burden of determining, at their own risk, whether or not a man came within the excepted groups who are not required to take out membership to hold a job. An improper determination on the part of the railroad might well result in suits for damages from a man claiming wrongful discharge or, on the other hand, in claims by the organization as the result of failure to fire a man upon demand.

Compulsory membership would increase unemployment in times of fluctuating business by introducing a new restriction on job opportunities which would make it more difficult for a worker to shift readily from one occupation to another.

Compulsory membership contracts would raise serious complications as to the status of those employees who are now exempted from many labor agreements and who, in many instances, are the confidential secretaries and other staff assistants of company management officials.

Under the proposed bills, compulsory union membership might be required of supervisors who would thus be compelled to become subject to the same union discipline as those whose work they are employed to supervise.

But such practical difficulties are of less importance than the fundamental question posed by S. 3295 and H.R. 7789. That question is simply this:

Shall the system of membership in railway labor unions as the result of free and voluntary choice be continued?

Or shall it be replaced by a system of coerced and controlled membership?

The answer to that question will be determined when S. 3295 or H.R. 7789 is acted on by Congress. Your Congressman and your Senators are the ones who will decide.

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