How Federal Legislation was used during the 19th and 20th Century to help or hinder the Labor Movement.

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Focus/Summary:

The purpose of this lesson is to discuss with students how three different labor legislative acts, were used by the federal government, unions and corporations during the 19th and 20th century to help or hinder the various groups involved in the labor movement.

Vital Themes:

To identify the various ways labor unions, corporations and the federal government used legislation against the other parties involved in the labor movement in the United States during the 19th and 20th century.

Objectives:

Students will be able to identify how each party in the labor movement used the Sherman Act, the Wagner Act and the Taft-Hartley Act to curtail the other organizations involved in the labor movement during the 19th and 20th century.

Procedures:

Opening the lesson –

1. I will lecture my students on the Sherman Act, Wagner Act and Taft-Hartley Act over two days providing students with a copy of each Act. (see attachment A)
2. During the lecture I will provide students of an example how each party involved in the labor movement used the legislation against the other parties.

Developing the lesson –

1. Class will be divided into three groups. Each group will be assigned one of the three legislations.
2. Each group will be required to complete a (4) page paper.
3. Students will be required to provide two additional source documents.
4. The paper will describe how each party used the various legislative acts to help or hurt labor.
5. The paper will also describe the historical events leading up to the action taken by the other party.
Concluding the lesson –

Students will be required to participate in a class discussion on their findings. Student’s discussion should describe specific events leading up to the other party taking action. The discussion will involve the students describing their understanding of the legislation and the actions taken by labor, management or the federal government to limit the other party’s efforts.

Assessing student learning –

Students participating in the discussion will demonstrate their understanding of each legislative act and how each party used the various legislations to limit the other party. Students will describe in detail why the circumstance leading up to the use of legislative action by the other party.

Attachment A

Primary Source Documents;


Provisions of the act

A: Trusts, etc., in restraint of trade illegal; penalty

B: Monopolizing trade a felony; penalty

C: Trusts in Territories or District of Columbia illegal; combination a felony

D: Jurisdiction of courts; duty of United States attorneys; procedure

E: Bringing in additional parties

F: Forfeiture of property in transit

G: Conduct involving trade or commerce with foreign nations

"Sections 1 to 7 of this title shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless--

H: "Person" or "persons" defined
The Wagner Act of 1935

http://www.u-s-history.com/pages/h1612.html

The heart of the act is in Section 7:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection.

On the other hand, part of Section 8 prohibits unfair union labor practices, which includes, for example, failure to provide fair representation to all parties of the bargaining unit.

The National Labor Relations Board

To give teeth to the new right to collective bargaining, the act established the National Labor Relations Board (NLRB). The NLRB is charged with several responsibilities:

- It endeavors to preclude or remedy inequitable labor practices committed by either employees or unions. It can issue "cease and desist" orders against unethical practices, including pressuring employees, bias against union members, and refusal to meet at the bargaining table with employees.
- When requested, it conducts elections to determine the employee representatives for collective bargaining.
- The NLRB also can request that the federal courts sanction board rulings.

The Taft-Hartley Act of 1947


To reach that result, the act placed restrictions on unions that were already imposed on the employer. For example, the act made it illegal to restrain or coerce employees wishing to exercise their rights to self-organization. Also made illegal were secondary strikes, secondary boycotts, and sympathy strikes, which were designed to influence employers other than those with whom the union had a contract. Many union leaders and supporters were unhappy with these new laws, and would seek repeal or revision on many different occasions.

The act gave the employer a First Amendment right to free speech that had been severely limited by the former laws. This change allowed the employer to speak out against unionization as long as the speech did not contain threats or promises to employees. The act also limited the liability of employers based on acts of managers or supervisors to those who would be considered part of these supervisors' official
duty. Therefore an employer could not be held liable for a supervisor who was harassing union members for reasons unrelated to the supervisor's actual job duties.

In addition, the Taft-Hartley Act allowed states to enact right-to-work laws, which made it illegal to set union membership as a condition for employment. Many states did choose to enact such laws. Other changes included removing supervisors from the bargaining unit so as to avoid the possibility of conflicting interests, and placing guards in a separate bargaining unit without any rank-and-file members. There were also special rules for professional workers allowing them to choose whether or not they wished to be part of a separate bargaining unit.

Finally, the act required a both sides of a labor contract to bargain in good faith, which means they must meet at regular times and try to reach an agreement on a range of issues related to the employment contract. The parties must also create a written contract that includes any agreed-upon provisions. Additionally, the act created the Federal Mediation and Conciliation Service (FMCS) to assist in the settlement of labor disputes and increased the number of National Labor Relations Board (NLRB) members from three to five.